

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

----- X
:
CARLOS RAY NORRIS,
a/k/a CHUCK NORRIS, an individual

Plaintiff,

- v -

PENGUIN GROUP (USA) INC., a Delaware
Corporation, IAN SPECTOR, an individual and
QUBEFACTOR, INC., a New York Corporation,
d/b/a QUBEFACTOR TECHNOLOGIES,

Defendants.
----- X

Civil Action No.: 07-CV-11480
(RWS) (ECF case)

DECLARATION OF
DEAN RINGEL

I, DEAN RINGEL, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a member of the law firm of Cahill Gordon & Reindel LLP (“Cahill Gordon”) and of the Bar of this Court. Cahill Gordon represents the defendants in this action, Penguin Group (USA) Inc. (“Penguin”), Ian Spector (“Spector”) and QubeFactor, Inc (“QubeFactor”). I submit this Declaration in support of Defendants’ Opposition to Plaintiff’s Motion for a Preliminary Injunction to put before the Court various documents cited in Defendants’ Opposition papers. I have personal knowledge of the matters set forth herein except where the statement is identified as being upon information and belief.

2. Attached as Exhibit 1 is a true and complete copy of a transcript of the December 21, 2007 hearing on plaintiff's motion for a temporary restraining order in this matter, during which Judge Cote denied plaintiff's request.

3. Attached as Exhibit 2 is a true and complete copy of a letter dated October 24, 2007 from Deborah M. Lodge, Esq., counsel for plaintiff, to defendants Penguin and Spector.

4. Attached as Exhibit 3 is a true and complete copy of a letter dated October 26, 2007 from Alex Gigante, Senior Vice President Legal Affairs and Corporate Counsel for defendant Penguin, to Ms. Lodge responding to the October 24, 2007 letter.

5. Attached as Exhibit 4 is a true and complete copy of a letter dated November 16, 2007 from Ms. Lodge to Mr. Gigante.

6. Attached as Exhibit 5 is a true and complete copy of an email dated November 16, 2007 from Mr. Gigante responding to plaintiff's November 16, 2007 letter.

7. Attached as Exhibit 6 is a true and complete copy of a letter agreement dated January 29, 2008 between counsel for plaintiff and defendants setting forth the terms on which the parties have agreed to forego discovery prior to the hearing on plaintiff's motion for a preliminary injunction and to exchange representations as to certain facts.

8. Attached hereto as Exhibit 7 is a true and complete copy of a letter from Plaintiff's counsel, Deborah M. Lodge, dated January 30, 2008, setting forth the representation called for by the January 29, 2008 agreement.

9. Attached as Exhibit 8 hereto is a true and complete copy of the statement on Chuck Norris's official website, www.chucknorris.com, referring to "'Random Facts' that are Being Generated on the Internet," which it goes on to describe as "Chuck Norris facts." The website was visited on January 3, 2008 at my direction and the statement was displayed at that time. Upon information and belief, it had initially been posted in 2006.

10. Attached as Exhibit 9 hereto is a true and complete copy of a description of "Chuck Norris Facts" available on www.wikipedia.com as of January 20, 2008, in which it describes the Facts as:

[S]atirical "facts" about martial artist and actor Chuck Norris that have become an Internet phenomenon and as a result have become widespread popular culture. The "facts" are normally absurd hyperbolic claims about Norris' toughness, attitude, virility, "alpha-male status", sophistication and masculinity.

11. Attached as Exhibit 10 hereto is a CD containing the following videos relating to the "Facts" phenomenon:

(a) A video clip from *The Big Idea with Donny Deutsch*, which upon information and belief, aired on or about January 9, 2006, discussing the Chuck Norris Facts phenomenon and defendant Spector's fact generator. The video clip was available on Norris's website, www.chucknorrisfacts.com as of February 15, 2008 and is excerpted from a larger clip accessed by clicking on "The Big Idea Interview" link on the website. The only material omitted from the accessed clip follows the interview reproduced here and includes several minutes of a black screen and a musical performance.

(b) The television commercial aired as part of the 2008 Republican presidential nomination campaign of Mike Huckabee, entitled: "Chuck Norris Approved" which,

upon information and belief, first aired in or about the week of November 18, 2007. The video clip was available on Norris's website, www.chucknorrisfacts.com as of February 15, 2008 and is reproduced in its entirety as it appears on the website.

(c) A video clip from *The Best Damn Sports Show Period*, which upon information and belief, aired in or about February 2006, featuring Norris reading a 10 Top Chuck Norris Facts list and mentioning his favorite Chuck Norris Fact. The video clip was available on Norris's website, www.chucknorrisfacts.com as of February 15, 2008 and is reproduced in its entirety as it appears on the website.

(d) A commercial advertisement for PepsiCo.'s Mountain Dew soft drink, which, upon information and belief, first aired in or about February 2007. The advertisement includes Mr. Norris. The video clip was available on www.youtube.com as of February 15, 2008.

12. Attached as Exhibit 11 hereto is a true and complete copy of an October 21, 2007 posting on www.worldnetdaily.com, in which Norris endorsed Mike Huckabee for the Republican presidential nomination.

13. Attached as Exhibit 12 hereto is a true and complete copy of an article, "Huckabee Moves to New Hampshire, With Tweaks to His Message," appearing on January 5, 2008 in *The New York Times* reporting Governor Huckabee's reference to Norris as Huckabee's "Secretary of Defense".

14. Attached as Exhibit 13 hereto is a true and complete copy of a January 17, 2008 article in *The Boston Globe* entitled, "Huckabee Scene More Than Cameo for Chuck Norris".

15. Attached as Exhibit 14 hereto is a true and complete copy of a January 21, 2008 article in *The New York Sun* entitled, "Actor Norris: McCain is Too Old".

I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration was executed on February 19, 2008.

Executed on: February 19, 2008

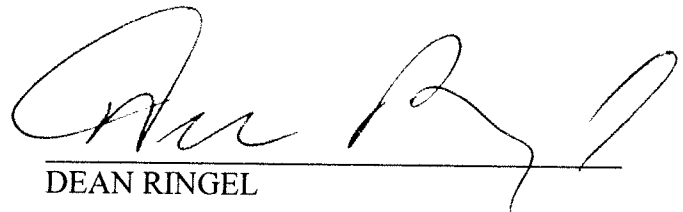

DEAN RINGEL

EXHIBIT 1

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1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK
2 -----X
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3 CARLOS RAY NORRIS a/k/a CHUCK
3 NORRIS,

4 Plaintiff,

5 v.

07 CV 11480 (RWS)

6 PENGUIN GROUP (USA) INC.,

7 Defendant.
8 -----X
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New York, N.Y.
December 21, 2007
4:15 p.m.

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11 Before:

11
12 HON. DENISE COTE,

12 District Judge

13 APPEARANCES
14

15 PATTON BOGGS

15 Attorneys for Plaintiff

16 BY: ANTHONY J. LAURA

16 JOHN J. ZEFUTIE
17

18 CAHILL GORDON & REINDEL

18 Attorneys for Defendant

19 BY: DEAN RINGEL

19 BOJI WONG
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1 (In robing room)

2 THE COURT: Hello, counsel. Counsel, we are going to
3 take this conference on the record for Judge Sweet's benefit if
4 no one else's. And so I'll ask you to identify yourself
5 please. For the plaintiff.

6 MR. LAURA: Thank you, your Honor. Anthony Laura
7 along with John Zefutie of Patton Boggs.

8 THE COURT: Thank you. And for the defendants.

9 MR. RINGEL: Dean Ringel along with Boji Wong for
10 defendant Penguin Group of U.S.A. Inc. I can't tell your Honor
11 I am appearing on behalf of the other defendants because I
12 haven't spoken with them.

13 THE COURT: Thank you. I appreciate that.

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14 I'm the Part I judge. This matter came before me
 15 sometime I think perhaps late morning and early afternoon. I'm
 16 not quite sure. It's been one of those days.
 17 MR. LAURA: Early afternoon, your Honor.
 18 THE COURT: Okay. Early afternoon. We asked
 19 plaintiff's counsel to serve the defendants with these papers
 20 and scheduled this conference today so I could consider the
 21 application. Give me just one, minute, counsel.
 22 So, the request here is for a temporary restraining
 23 order that would stop the sale of the book The Truth About
 24 Chuck Norris. And the recall of unsold copies, among other
 25 things. There is also a request for the scheduling of a
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 1 preliminary injunction.

2 I'll hear from plaintiff's counsel.
 3 MR. LAURA: Thank you, your Honor. We do represent
 4 Carlos Ray Norris, better known as Chuck Norris, the actor,
 5 author, martial arts extraordinaire.
 6 We brought this action this morning or early this
 7 afternoon based upon claims of trademark infringement,
 8 violation of Mr. Norris' rights of publicity, false endorsement
 9 claims under the Lanham Act, and general unfair competition
 10 claims as well.
 11 The reason for the injunction application, your Honor,
 12 is the book that you're looking at at this point, which was
 13 published a couple of weeks ago, is called The Truth About
 14 Chuck Norris. As you can see from the title, it not only says
 15 "The Truth About Chuck Norris," it says "400 Facts About The
 16 Word's Greatest Human."
 17 Now, none of that in the name of the book or in the
 18 subtitle that I read would indicate it is a parody. In fact,
 19 were you to look for this on an advertisement online at
 20 Amazon.Com, there is no indication it is a parody.
 21 Further along, and more troubling than that, your
 22 Honor, is this is a book completely unauthorized by Mr. Norris.
 23 Mr. Norris does have valid trademark rights in his name Chuck
 24 Norris, which is used directly in the title. There are two
 25 instances in the book which would lead a reader to believe that
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1 Mr. Norris has endorsed the book. One at the beginning, your
 2 Honor, which indicates that the plaintiff -- the author. I'm
 3 sorry, not the plaintiff, the author, Mr. Spector, is still in
 4 touch with Mr. Norris and his wife Gina.
 5 THE COURT: Where is that?
 6 MR. LAURA: I would find it in the preface, your
 7 Honor. I apologize. I don't have it handy. The reference is
 8 in the book.
 9 I can show you another reference which is perhaps even
 10 more important than what I just read or just explained to you.
 11 The acknowledgment section, which is at page 161 where the
 12 author thanks several individuals for their support and
 13 participation. And concludes with the following words "And, of
 14 course, to Chuck, you've got an awesome sense of humor. Thanks
 15 for playing along." To any objective reader, that indicates
 16 that Mr. Norris is happy about this, has played along, and has
 17 endorsed this book. That's incorrect. In fact, before the
 18 publication of this book, Mr. Norris through his counsel twice
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19 identified or twice communicated with Penguin Books and
 20 Mr. Spector, the author, told them of his lack of authorization
 21 for this book, asking they not publish the book because of the
 22 violations of his rights and his lack of authorizing it,
 23 followed up by a request to see an advanced copy of the book to
 24 determine whether or not it was as offensive as he suspected it
 25 might be.

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1 The reason the false endorsement is so important to
 2 Mr. Norris, and the reason why injunctive relief is now so
 3 important to Mr. Norris, is Mr. Norris has developed over his
 4 30-some-odd years in the public arena an identity that is
 5 associated with patriotism, devotion to family and religion,
 6 devotion to goodness, a lack of promiscuity, and other things.
 7 The book itself, as some of the facts as we identify
 8 in our papers, would run completely counter to that and do run
 9 completely counter to that. Therefore, Mr. Norris, having been
 10 falsely indicated as having endorsed this book, then suffers
 11 from the tarnishment of his image by those various facts in the
 12 book. Because of that, he now seeks and believes he has the
 13 right to enjoin the further publication of this book.

14 The Lanham Act, I am sure your Honor is familiar with
 15 it, the false endorsement need only prove a common right in the
 16 mark which he has, goods or services involved in interstate
 17 commerce, and the fact that there is a false designation of
 18 endorsement. And we think that those words that I read to you,
 19 your Honor, would indicate such.

20 He's also got the right of publicity under Texas law.
 21 Mr. Norris is a Texas resident, and in the Second Circuit
 22 publicity rights are governed by the domicile of the plaintiff.
 23 And I'll read you the elements of the right of publicity in
 24 Texas, your Honor. It's a claim under that right is the
 25 defendant's misappropriation of the plaintiff's name or

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1 likeness for the value associated with the name or likeness and
 2 not simply incidentally. The second element is that the
 3 plaintiff can be identified from the publication, and I don't
 4 think there is any doubt about that. The third there was some
 5 benefit to the defendants, and there is no doubt about that
 6 either.

7 Almost without question those three elements have been
 8 satisfied here. There is a very, very genuine claim of
 9 violation of Mr. Norris's right of publicity under Texas law.
 10 And one of the elements obviously of injunctive relief is the
 11 likelihood of success on the merits.

12 I believe even more clearly the right of publicity
 13 claim and the success of it is evident from the facts and
 14 circumstances here.

15 Finally, a trademark infringement claim must evidence
 16 a valid mark and a likelihood of confusion or misleading or
 17 deception of the consumers. As I mentioned, Mr. Norris has
 18 several valid marks in his name, Chuck Norris, and Chuck Norris
 19 Facts.

20 THE COURT: Are they registered?

21 MR. LAURA: Yes, they are registered. The
 22 registrations are attached I believe to the complaint. And
 23 also I believe you'll find them attached to one of our

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24 certifications. The first service mark is Exhibit A to the
 25 complaint, your Honor. And I believe that is the Chuck Norris
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1 mark. And they are both Exhibit A, and Chuck Norris Facts.
 2 The registration numbers are stated in the complaint and
 3 Exhibit A to the complaint.

4 THE COURT: What is Chuck Norris Facts?

5 MR. LAURA: Chuck Norris Facts, your Honor, several
 6 years ago, a phenomenon came on the Internet essentially where
 7 facts, so to speak, about famous people were being circulated.
 8 Chuck Norris approached the owner of a web site called Chuck
 9 Norris Facts, threatened that was an infringement of
 10 Mr. Norris' trademark rights, and as a resolution of that
 11 matter acquired the Chuck Norris Facts web site. And then
 12 registered the trademark Chuck Norris Facts. So that's how
 13 that came about.

14 THE COURT: Is that Web site maintained now by
 15 Mr. Norris?

16 MR. LAURA: It is not maintained physically. He has a
 17 company that maintains the Web site under his direction.

18 THE COURT: Sure.

19 MR. LAURA: Yes. There are also, your Honor, in this
 20 case, and if you had the opportunity, and I am not sure you did
 21 because of the urgency of this, there are other claims in the
 22 complaint for trademark infringement and false endorsement.
 23 Through the fact that the other defendants in the case,
 24 Qubefactor, or the other defendant, Qubefactor, has a Web site
 25 which advertises the Chuck Norris book that we're now seeking
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1 to enjoin, and we claim that Qubefactor is cybersquatting on
 2 the Chuck Norris name.

3 Let me give you an example too. As far as Amazon.Com,
 4 a third-party clearinghouse, let's call it, for books, if you
 5 put in the name Chuck Norris, we have an affidavit of Michael
 6 Kessler, an investigator who did these things. If you put the
 7 name Chuck Norris into the Amazon.Com web site, not only do you
 8 get Mr. Norris' books that he is an author of a number of
 9 books, you get this book. The confusion then among the
 10 innocent reader is this is a book associated with Mr. Norris.
 11 So we think that as well is a troubling and actionable
 12 circumstance.

13 There is really no First Amendment protection in this,
 14 and you may hear from Mr. Ringel about First Amendment
 15 protections. This is not in any means an historical event
 16 which is being discussed. Mr. Norris is not by any means a bit
 17 player in some otherwise historical event which might give them
 18 the right to some First Amendment protection. Mr. Norris is
 19 the focus of this particular book. It's not identified, as I
 20 mentioned, as a parody. In fact, in Mr. Kessler's
 21 certification, he has found on the Internet where book reviews
 22 are given by consumers, two reviews, even in this short period
 23 of time that the book's been out on the market, where buyers
 24 were objecting to the content, and are, let's call it, sending
 25 the books back. Not in any way realizing that this was as

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1 offensive and vulgar as it is. Obviously thinking it was
 2 certainly something true about Chuck Norris, as opposed to the
 3 vulgarity and hard core information that you find in that book.

4 Based upon that, your Honor, there is no doubt there
 5 is a likelihood of confusion and misleading of consumers. We
 6 think under the Polaroid test, I'll also discuss other Polaroid
 7 factors if you'd like, your Honor. I can rest on that argument
 8 at this point.

9 THE COURT: Okay.

10 MR. RINGEL: Thank you, your Honor. I certainly will
 11 be talking about the First Amendment. But before we get there,
 12 there are some narrower arguments that really could dispose of
 13 this.

14 Let's be clear that Mr. Norris is very much a public
 15 figure who recently has figured in significant political events
 16 and I think that bears on the perception of all of this in
 17 terms of the parody that's at issue here.

18 Let me start with the procedural issues. As I think
 19 you've heard, this is a dispute that began in October. There
 20 was correspondence in October. By November 17, November 16, I
 21 think, and this is plaintiff's papers themselves, they had
 22 gotten their final answer from my client Penguin, they thought
 23 that they were free to go ahead and publish. They were going
 24 to do so. From November 16 onward, it is plain that plaintiffs
 25 were on notice, they were not in court. They waited until

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1 literally the last business day, at least in my part of the
 2 world, before Christmas to bring this motion. That is a very
 3 significant omission on their part. Even in terms of serving
 4 the papers, we did not get complete e-mail service. I was
 5 handed a set of the papers as I walked into the courtroom
 6 today. And I apologize if I overlook something that's in the
 7 papers. I have had a chance to just begin to go through them.
 8 There really is no excuse whatsoever for that. And on the
 9 ground of laches, if you will, the disqualification from
 10 invoking the equitable powers of the Court, I think that alone
 11 would be enough to say they are not entitled to the
 12 extraordinary relief they are seeking here. Quite apart from
 13 any First Amendment concern. This is an untimely motion.

14 I will talk about the special burdens that courts
 15 recognize exist not just on the merits of the First Amendment,
 16 but even with respect to the distribution process in a moment.
 17 Let me start though talking about the First Amendment, because
 18 I think that there is no doubt what is being sought here is a
 19 prior restraint. A prior restraint on sales, a prior restraint
 20 on distribution, although distribution has already begun and is
 21 well in place. I think your Honor is well aware of the strong
 22 case law. I'll do just a bit of it from the U.S. Supreme Court
 23 and from the Second Circuit.

24 The Supreme Court has said in the Nebraska Press case
 25 that in describing the various prior restraint cases, the

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1 thread running through all these cases is that prior restraints
 2 on speech and publication are the most serious and the least
 3 tolerable infringement on First Amendment rights.

4 The Court has of course said much the same thing in

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5 the Pentagon Papers case, in Carroll, this is Carroll v.
 6 President and Commissioner of Princess Anne County, 393 U.S.
 7 175 (1968). The Supreme Court said "The Court has emphasized
 8 that a system of prior restraint of expression comes to this
 9 court bearing a heavy presumption against constitutional
 10 validity." That is the burden that they have to overcome with
 11 the various claims that they are asserting in the procedural
 12 posture that they are asserting.

13 Simply put, a prior restraint, which is what they are
 14 seeking, is presumptively unconstitutional. I think it is
 15 clear that this is the kind of interest that doesn't come close
 16 to justifying prior restraints.

17 The Court has struggled with just how far into
 18 national security do you have to go. In Pentagon Papers, of
 19 course, the Supreme Court denied a prior restraint. It went
 20 through, well, maybe it is a sailing of a troop ship. There
 21 was much discussion. Those are serious questions. This isn't
 22 that issue.

23 In Nebraska Press, the Court struggled how far do we
 24 have to go to protect a fair trial right. This isn't that
 25 case.

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1 Probably closer to home is a decision that Judge Chin
 2 rendered in a fairly similar case I guess a couple of years ago
 3 in Fox News Network v. Penguin Group. And this was a case
 4 involving a book by Al Franken, and a parody, as this one was.
 5 In that case it took on Fox News and it took on Bill O'Reilly.
 6 Fox News came in on trademark grounds, among others, seeking a
 7 prior restraint against distribution. And in an oral opinion,
 8 which is reported at 31 Media Law Report 2254, Judge Chin, I
 9 think it's fair to say, excoriated them for their conduct.
 10 Frankly, given the timing here, I think that might also be
 11 appropriate. That, like this, was a parody.

12 In response to the question that was raised, gee, you
 13 wouldn't know this was parody. Your Honor, I respectfully
 14 submit that just flipping through this book, any page, it is
 15 apparent to any reader that this is a parody.

16 THE COURT: I think also from the cover. But anyway,
 17 next point.

18 MR. RINGEL: Yes. Your Honor, even if one were to
 19 conclude, and I think there is no basis to so conclude, but if
 20 one were to conclude that relief could even be considered here,
 21 the fact is that by the delay, waiting until after distribution
 22 has begun, the plaintiffs have disqualified themselves from
 23 that relief.

24 This is separate and apart from my point about laches.
 25 There is something the Courts have in interfering in the

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1 distribution of a book already in progress. One I litigated
 2 myself is a case called Belushi v. Simon & Schuster, 598 F.
 3 Supp. 36 (D.D.C. 1984). This is a case out of the District
 4 Court in the District of Columbia, and the Court said that once
 5 distribution of a book has begun, there are special
 6 considerations at work. The Court said that even if there were
 7 reason to enjoin under other standards, the Court would not do
 8 so in the context of a book distribution, because of its impact
 9 on First Amendment rights, independent of the merits of the

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10 claim, if you will.

11 with respect to the merits, and your Honor, I have not
 12 had the opportunity to look at the material in any depth, it
 13 does seem to me there are a number of cases which make clear
 14 that a transformative use of the conduct we are talking about
 15 here, the parody aspect of this, really does provide a complete
 16 defense to each of the kinds of claims that is being asserted.
 17 And we cite your Honor on ETW Corporation v. Jireh Publishing
 18 Inc. 332 F.3d 915, a Sixth Circuit case dealing with a Tiger
 19 woods portrait; Hoffman v. Capital Cities ABC, 255 F.3d 1180,
 20 dealing with a Dustin Hoffman right of publicity claim; and
 21 Cardtoons v. Major League Baseball Players Association, 95 F.3d
 22 959, a 10th Circuit case about parody baseball cards.

23 The point here, your Honor, is that the trademark
 24 claims, right of publicity claim, the endorsement claims simply
 25 don't take us out of the principles about parody and First

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1 Amendment. For all of those reasons, your Honor, I think this
 2 complaint is wholly without merit. That isn't why we are here.
 3 We are here on a TRO. I think for all the reasons I described,
 4 the TRO should be denied.

5 MR. LAURA: Thank you, your Honor. I'd like to
 6 address first the last few cases that counsel cited. The ETW,
 7 the Tiger Woods case. The reason the Court did not uphold
 8 Mr. Woods' claims through his licensing company in that case
 9 was because it was an artist's rendition of an historical
 10 event. The reason in the Cardtoons case that counsel cites the
 11 Court did not uphold the claims of the plaintiff there was
 12 because the names were purposely altered. It was not a direct
 13 trademark infringement as we have here. Names were
 14 specifically altered to be humorous and not using the
 15 distinctive names of the particular athletes involved. So I
 16 don't think those cases help.

17 I was not counsel in the Al Franken case so I don't
 18 know the answer to this question, but I would presume that that
 19 was a play on the trademarked Fox News Channel's logo. It was
 20 not -- Mr. Franken I believe used an alternative method of
 21 saying what Fox News particularly says. I may be incorrect,
 22 but I believe that that was the issue there. It wasn't a
 23 direct infringement of a trademarked mark as we have here.

24 As to the First Amendment, one thing I'd like to point
 25 out, courts have always looked for an alternative avenue for

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1 the speech that is sought to be restrained. Mr. Spector, the
 2 author of this book, has for more than a year had a web site in
 3 which these Chuck Norris facts, so to speak, had been bantered.
 4 There are other avenues. In fact, that is an avenue that this
 5 particular plaintiff has used. Non-commercially, I might add,
 6 not for profit, but just as a blog, so to speak, your Honor.
 7 Now he is intending to profit, so it's complete
 8 commercialization now. It's not a First Amendment issue
 9 whatsoever. This has already been something that the plaintiff
 10 has had an avenue to explore and has made use of in a
 11 non-commercial sense. That takes it out of the protected First
 12 Amendment, at least as far as I'm concerned, your Honor.

13 If I may attack the laches argument. We are not even
 14 a month out of publication in this book. Counsel's correct,

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15 there were items of correspondence back and forth between
 16 Mr. Norris' counsel and Penguin about the publication,
 17 requesting that it not go forward. And the last request was
 18 for a copy of the book. That request was never granted. I
 19 think Mr. Ringel would be in here arguing, your Honor, they are
 20 objecting to a book they haven't even seen, were we in court
 21 prior to the publication of this book. So I don't think a
 22 laches argument can be attached to any delay, if that's what we
 23 can call it. There was no delay in the time between the
 24 rejection of our demand that the book not be published made
 25 back in the middle of November. And your Honor, I can cite you

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1 legions of cases, if you give me the opportunity, I don't have
 2 them with at my fingertips, where laches is almost never a
 3 daily or weekly delay. It is a monthly and yearly delay.
 4 I would submit that in this particular case, there is
 5 no tactical advantage sought by us bringing the application at
 6 this time. This is the soonest we were able to bring it. What
 7 exasperated what was contemplated in being an action in early
 8 December after publication in the book is a YouTube commercial
 9 promoting this book. That came out I believe on December 10.
 10 It was within the past two weeks, your Honor. That obviously
 11 gave Mr. Norris even more concern than he had before as to the
 12 publicity surrounded this book. YouTube, as your Honor is
 13 probably aware, is one of the more famous Internet video web
 14 sites out there now. So with that having been published really
 15 within the last 10 days, if I am not mistaken, your Honor.
 16 That was, let's call it, the last straw to Mr. Norris. Giving
 17 the direction that this case had to go forward.

18 I would not argue -- I would argue strongly there is
 19 no laches argument to be made in this case. Laches requires a
 20 showing of prejudice on behalf of the defendant. There is no
 21 prejudice here. Why would there be prejudice. They told us
 22 they were going ahead in publishing this book. What is the
 23 prejudice that they did not have to come to court to answer
 24 this earlier? I have not heard from counsel what the prejudice
 25 would be. In fact, I would submit that by November 17 when

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1 they said we are going ahead with this, the book had already
 2 been printed. I may be wrong, I don't know how publishers
 3 work. I would assume they have books in print less than two
 4 weeks before the publication date. So I don't know what the
 5 prejudice could be for the defendants here. Thank you.

6 THE COURT: Thank you. When was the book first sold?

7 MR. LAURA: I believe November 29.

8 MR. RINGEL: I think it was earlier than that, your
 9 Honor. I regret I can't tell you exactly. Normally the actual
 10 on sale date precedes the formal publication date. I think you
 11 had an earlier date than November 29.

12 THE COURT: But November?

13 MR. RINGEL: November.

14 MR. LAURA: Late November. I think we can agree on
 15 that.

16 THE COURT: Great. I am going to deny this
 17 application. I think it would be extraordinary if I granted
 18 it. These issues obviously will be litigated carefully and
 19 with substantial opportunity for reflection and analysis by

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20 Judge Sweet. But at first blush, it appears to me that in the
 21 context of a TRO, that would require a prior restraint on sales
 22 of continuing sales of this book, and in fact a recall of
 23 unsold books. That there are very serious issues implicated,
 24 and that a delay of approximately three or four weeks in such a
 25 context is significant. It also appears to me that the

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1 defendants will be able to show that this book, even from
 2 perusal of just the cover alone, conveys that it is a parody.
 3 And of course once you open the book, that becomes crystal
 4 clear.

5 I agree that the acknowledgments page on 161 and the
 6 statement "And, of course, to Chuck, you've got an awesome
 7 sense of humor, thanks for playing along," is probably going to
 8 complicate the analysis here. It may have been in the nature
 9 of a prayer on the author's part as opposed to what it might
 10 convey to the reader, which is that there was some consent if
 11 at least by silence -- hold on one second. Counsel wants to
 12 direct my attention to page 11 of the preface.

13 MR. LAURA: At the end of the paragraph, on the
 14 right-hand side there, your Honor. It's where he mentions he's
 15 still in contact with Mr. Norris. It was a reference you asked
 16 me to find for you earlier.

17 THE COURT: Yes. Okay. I think the material on page
 18 11 is interesting and adds to the argument, but it's far weaker
 19 than the implication in the acknowledgment section which I've
 20 already read into the record.

21 So because I find it likely that the defendants will
 22 be able to prevail on the parody defense, and my understanding
 23 that this would be a complete defense to each of the causes of
 24 action here, and my concern about the laches in the context of
 25 publishing a project of this scope, I am going to deny the

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1 request for a temporary restraining order.

2 Now, does the plaintiff want to brief a preliminary
 3 injunction motion?

4 MR. LAURA: Yes, your Honor. We would very much like
 5 to.

6 THE COURT: Why don't we set a schedule for that right
 7 now. When would you like your preliminary injunction papers to
 8 be served?

9 MR. LAURA: Under the circumstances, your Honor, we'll
 10 do them as quickly as possible. I will submit something on the
 11 order of January 5, which I believe is the Friday after New
 12 Years.

13 THE COURT: That would be January 4.

14 MR. LAURA: Thank you, your Honor.

15 THE COURT: Shall we say two weeks for opposition?
 16 That would be January 18. And one week for reply, January 25.
 17 And we are going to try to get you -- well, I guess I would ask
 18 after the new year, the first week in January, for you to
 19 contact Judge Sweet's chambers to arrange a conference with him
 20 at your mutual convenience and his. And of course if counsel
 21 stipulate to an adjustment of this briefing schedule, that is
 22 just fine. I'm sure you can submit it to his chambers and the
 23 Part I judge who is presiding at that time will be happy to
 24 sign it. I can tell that you Judge Sweet will be available to

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25 see you on January 16 at noon.
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1 MR. LAURA: Your Honor, if I may.
2 THE COURT: I'm thinking what should happen here is
3 the preliminary injunction papers should be served January 11.
4 That is a Friday. Then you'll see Judge Sweet the following
5 Wednesday, and based upon those motion papers, counsel will
6 talk with Judge Sweet about what comes next and what schedule
7 should prevail.
8 MR. LAURA: Your Honor, I can let you know that when
9 we were initially at Judge Sweet's chambers with this
10 application, and were advised we were to be sent here, his
11 clerk told us that Judge Sweet would be available on the 16th,
12 to convey to you, your Honor, for the motion. If the
13 preliminary injunction motion were to be set.
14 So let me propose something. I know you've set a
15 schedule and I'll do this with counsel present. Our brief
16 obviously didn't carry the day with you today, your Honor, but
17 it does I think hit the high points of our injunction argument.
18 I think Judge Sweet's interest will be on the parody defense
19 maybe more on our motion. Maybe I could suggest that the
20 briefing, rather than there be a subsequent moving brief on the
21 preliminary injunction, we consider our initial brief that.
22 That defense counsel submit its opposition brief on a schedule
23 similar to what I proposed for our moving brief late the first
24 week of January or early the second -- counsel, let me finish.
25 We will quickly submit a reply which would then get us before

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1 Judge Sweet on January 16 for the motion.
2 THE COURT: That's not going to work.
3 MR. LAURA: Okay.
4 THE COURT: Because --
5 MR. LAURA: I tried.
6 THE COURT: Right. That really is going to end up
7 putting everybody in the position of a request for sur-reply
8 and sur-sur-reply.
9 MR. LAURA: Okay, I understand, your Honor. Thank
10 you.
11 THE COURT: It is just not ultimately going to be the
12 most efficient way to do this. So, I think counsel, you should
13 enjoy the holiday, put in your preliminary injunction motion on
14 January 11, see Judge Sweet on January 16 at noon, and he's
15 very familiar with these intellectual property issues.
16 MR. LAURA: I know.
17 THE COURT: And he'll set the appropriate schedule at
18 that time with you.
19 MR. RINGEL: Thank you, your Honor.
20 MR. LAURA: Thank you so much, your Honor.
21 THE COURT: Thank you.

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VIA EMAIL AND FEDERAL EXPRESS

Mr. Ian Spector
Brown University
75 Waterman Street - Box 6027
Providence, RI 02912
Email: ian_spector@brown.edu, ian@4q.cc

Re: CHUCK NORRIS Intellectual Properties

Dear Sirs:

We represent Carlos Ray Norris, a/k/a Chuck Norris ("Mr. Norris"), the famous actor, author and celebrity. Mr. Norris owns rights in his name, image, and related trademarks, and other intellectual properties (collectively "Norris Properties"). He has used the Norris Properties for many years in connection with his profession. Mr. Norris enjoys substantial goodwill in the Norris Properties as a result of his accomplishments and promotional efforts. Mr. Norris' name and image are known to consumers worldwide.

Among other intellectual properties, Mr. Norris owns the following federal trademark registrations and applications, as well as numerous domain names using his name and mark CHUCK NORRIS: CHUCK NORRIS (Reg. Nos. 2864474 and 2124757) in Class 41, CHUCK NORRIS FACTS (Reg. No. 3220185) in Class 35; CHUCK NORRIS FACTS (Reg. No. 3213519) in Class 35; CHUCK NORRIS IS..."THE FACT" (Reg. No. 3211054) in Class 25 and Ser. No. 78858517 in Class 41; CHUCK NORRIS APPROVED (Ser. No. 77173481) in Class 41; CHUCK NORRIS APPROVED (Ser. No. 77173465) in Classes 5, 9, 25, and 28; CHUCK NORRIS (Ser. No. 77027784) in Class 5. In addition, Mr. Norris owns substantial common law rights in marks using his name, as well as considerable publicity and privacy rights in his name and image. As a result of extensive use and the renown and goodwill



Legal Department, Gotham Books
Mr. Ian Spector
October 24, 2007
Page 2

associated with his moniker, CHUCK NORRIS is a "famous" mark as that term is used in the federal Lanham Act. Mr. Norris also is an accomplished author; he has published numerous books, both non-fiction ("Against All Odds" and "The Secret Power Within," for example) and fiction ("A Threat to Justice" and other "Justice Rider" novels, for example).

Mr. Norris recently learned that Gotham Books ("Gotham") intends to publish a book entitled "The Truth About Chuck Norris" by Ian Spector. The subtitle is: "400 Facts About the World's Greatest Human." See annexed copy of a Gotham promotional flyer for the book. We understand that this book is slated for publication on November 29, 2007.

This publication uses Mr. Norris' name in the title, "The Truth About Chuck Norris". Moreover, it appears that Mr. Norris' likeness will be featured prominently on the cover of the book. See Gotham promotional flyer. Advertising for this book now appears on well-known Internet Websites, including Amazon.com, Borders.com and BarnesandNoble.com, both in the United States and throughout the world (samples attached). We also understand that Mr. Spector registered the domain name "TruthAboutChuckNorris," which links to his "Chuck Norris Facts" webpages at 4q.cc (copies attached).

Please be advised that these unauthorized uses of Mr. Norris' name, image and persona for commercial gain constitute unlawful violations of Mr. Norris' rights of publicity and privacy as well as infringement, false representations, dilution of a famous mark, cybersquatting, and unfair competition in violation of the Lanham Act, 15 U.S.C. §§ 1114, 1125(a), 1125(c), 1125(d) and the common law. Neither Mr. Spector nor Gotham Press has ever asked for, or received, consent to use Mr. Norris' name or image in connection with this book or any other use. Although Mr. Norris knows about the fake "facts", including those posted on Mr. Spector's Web site at <http://4q.cc>, there is a significant difference between clearly mythical "facts" or parody and a book entitled "The Truth About Chuck Norris." Consumers are likely to be confused and misled by that title and believe that the book actually contains biographical facts about Mr. Norris. Gotham's reputation as a publisher of nonfiction books increases the likelihood that consumers will believe the contents of the book to be true. That likelihood is reinforced not only by the misleading title of the proposed work: "The Truth About Chuck Norris," but also by the use of Mr. Norris' name and likeness in the title and on the cover. The book may also infringe Mr. Norris' right of privacy, if it portrays Mr. Norris in a false light that is offensive and causes emotional anguish.

Your promotion and proposed sales of this book demonstrate your intent to gain financially by exploiting and misappropriating Mr. Norris' name and goodwill. Although Mr. Norris, as an author and actor, values First Amendment rights, he believes, as do we, that the proposed book goes beyond what is permissible under the First Amendment and far exceeds



Legal Department, Gotham Books
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Page 3

the parameters of any fair use. This is not a biography. It will not provide the "truth" about Mr. Norris, or any real "facts" about Mr. Norris. Mr. Norris' identity is not being used for newsworthy information of legitimate public concern. Instead, it is an attempt to profit commercially from the unauthorized exploitation of Mr. Norris' name, image and persona as part of a work of fiction. Although as noted Mr. Norris has known about the fake "facts" posted on Mr. Spector's website, to Mr. Norris' knowledge, Mr. Spector had not until this time attempted to profit from the unauthorized use of Mr. Norris' name, image and reputation.

Mr. Norris and the Norris Properties are likely to suffer severe and irreparable harm if this book is published. Consumers are likely to think that "The Truth About Chuck Norris" is a book that is affiliated with or approved by Chuck Norris. Confusion and tarnishment of Mr. Norris' reputation are likely to result from this unauthorized work. Indeed, we are already aware of some actual confusion concerning the sponsorship and authorization of this book. As a result of Mr. Norris' dedication and hard work, he has many loyal fans and enjoys a very positive reputation. He is very concerned that the publication of this book, and any associated collateral merchandise or publicity, is likely to cause considerable confusion and to irreparably harm his reputation and goodwill.

On behalf of Mr. Norris, we must therefore demand that you immediately: 1) cease all promotion and sales of the book entitled "The Truth About Chuck Norris" or any other unauthorized book or any other commercial products using Mr. Norris' name, image, marks, or any other of the Norris Properties; 2) cease and desist from all use of the phrase "The Truth About Chuck Norris" or other similarly misleading phrase; 3) halt all use of the domain name truthaboutchucknorris.com, and immediately transfer that domain name to Mr. Norris; 4) refrain from posting any content on the Website at <http://truthaboutchucknorris.com>, or linking that domain name to any other Websites; 5) cancel any orders placed for the proposed book "The Truth About Chuck Norris" and refund any and all deposits or money already received for that work; 6) provide us with an itemized inventory of all galleys, advertisements, collateral or any other merchandise or materials using the words "The Truth About Chuck Norris" or other similarly misleading phrase, and deliver such materials to the undersigned for destruction; and 7) provide us with an accounting of your revenues from any and all sales or promotions of products bearing any of the Norris Properties, including the selling price of each item sold and an itemization of all books or other products bearing the Norris Properties in your inventory or otherwise under your control. Any use of "The Truth About Chuck Norris" or of any of the Norris Properties for commercial purposes after receipt of this notice will be further proof of your intentional misappropriation of the Norris Properties, for which Mr. Norris can seek immediate relief, higher damages, and payment of his attorneys' fees.

PATTON BOGGS^{LLP}
ATTORNEYS AT LAW

Legal Department, Gotham Books
Mr. Ian Spector
October 24, 2007
Page 4

Please send us your written response to this letter before the close of business on November 5, 2007. Mr. Norris reserves all its rights, including the right to take legal action as necessary.

Sincerely,


Deborah M. Lodge

Enclosures

cc: Michael S. Forshey, Esq.

EXHIBIT 1

GOTHAM PROMOTIONAL FLYER



The Truth About Chuck Norris

400 Facts About the World's Greatest Human
Ian Spector

The illustrated lowdown on the toughest, sexiest, and headiest man to ever stalk the earth

As the star of *Walker, Texas Ranger*, movies such as *The Delta Force*, and the long-running infomercial for the Total Gym, Chuck Norris represents a separate kind of superman—a hero of hilarious proportions. In recent years, farcical facts about Norris began cropping up on the Internet and across the airwaves, finally reaching their peak on one comprehensive Web site. Created by college student Ian Spector before he was even twenty, the Chuck Norris Fact Generator attracted as many as 18 million hits a month. Now the best of Spector's site is available in one affordable, death-defying volume, featuring such awe-inspiring observations as:

- A cobra once bit Chuck Norris's leg. After five days of excruciating pain, the cobra died.
- Chuck Norris can charge a cell phone by rubbing it against his beard.
- Chuck Norris was the first person to tame a dinosaur.
- Chuck Norris once visited the Virgin Islands. Afterward, they were renamed the islands.

The latest addition to the booming genre of "fratire" and featuring vivid cartoons by the same illustrator behind *The Alphabet of Manliness*, there's no browner, beefier gift than *The Truth About Chuck Norris*.

- Ian Spector's Web site attracts millions of visitors—its peak was nearly 20 million page views per month.
- The site will be newly designed in time for publication.
- Ian Spector has been interviewed by *The Washington Post* and has appeared on ABC's *Morphine* and dozens of radio stations, and he has survived an encounter with Chuck Norris himself.
- The "fratire" genre is a fast-growing market: Books such as *The Alphabet of Manliness* have hit the bestseller lists.

IAN SPECTOR is a sophomore at Brown University, where he studies neuroscience and edits the campus humor magazine. He has been widely interviewed by media outlets, ranging from *The Washington Post* to *Morphine*. A survivor of a real-life encounter with Chuck Norris himself, Spector divides his time between school in Providence, Rhode Island, and home on Long Island.

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One of the highest-paid women in Britain, Carol Vorderman amazes her UK television viewers by regularly carrying out fast and accurate mathematical calculations on the air. *Super Brain* now reveals the tricks of her trade, with practical exercises that can strengthen anyone's intellectual prowess. With dozens of puzzles and teasers that stimulate the gray matter, this "brain gym" opens the mind to new ways of thinking and improves concentration, memory, and creativity. Vorderman also offers essential advice on lifestyle habits to improve brain fitness, including tips on physical exercise, sleep, and nutrition.

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CAROL VORDERMAN is Britain's leading female television host. For twenty years she has been known as the "Numbers Queen" on the hit UK quiz show *Countdown*, where she performs mental arithmetic at lightning speed. Carol is an international Sudoku expert whose Sudoku puzzle books have sold millions of copies worldwide. She holds a degree from Cambridge and is a member of Mensa, with an IQ of 154. She lives in central London.

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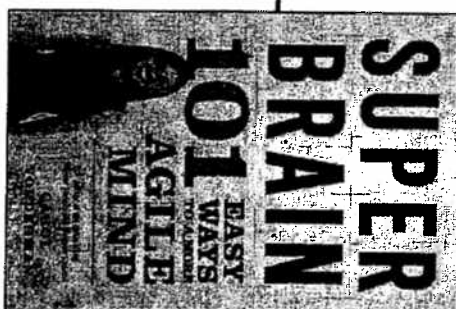


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Ian Spector, webmaster of the site which started the meme and survivor of a real-life encounter with Chuck himself, has selected the 400 most kick-ass facts from his library of thousands, as well as illustrations as awesome as the man himself. This death-defying volume includes such awe-inspiring observations as:

- A cobra once bit Chuck Norris's leg. After five days of excruciating pain, the cobra died.
- Chuck Norris can charge a cell phone by rubbing it against his beard.
- When an episode of "Walker, Texas Ranger" aired in France, the French surrendered to Chuck Norris just to be on the safe side.
- Chuck Norris was the first person to tame a dinosaur.
- Chuck Norris once visited The Virgin Islands. Afterward, they were renamed The Islands.
- Every piece of furniture in Chuck Norris's house is a Total Gym.

A must-have paean to the archetypical American male and a bible of all things Chuck, *The Truth About Chuck Norris* is easily the most important book of all time.

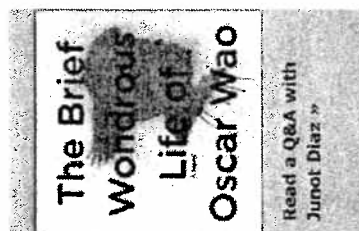
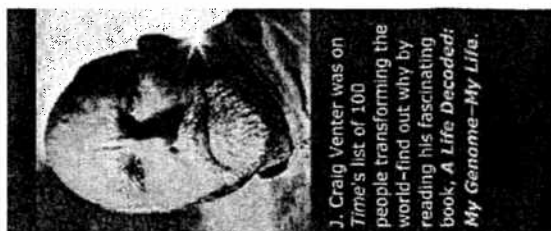
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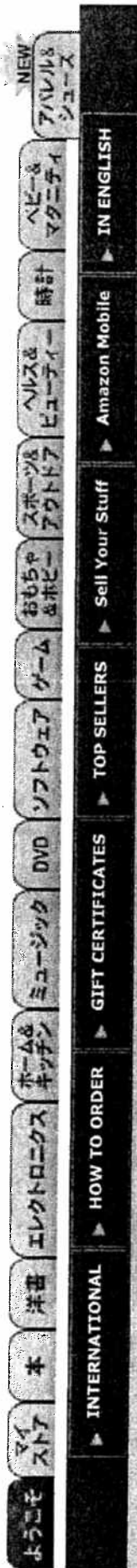
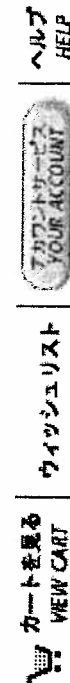
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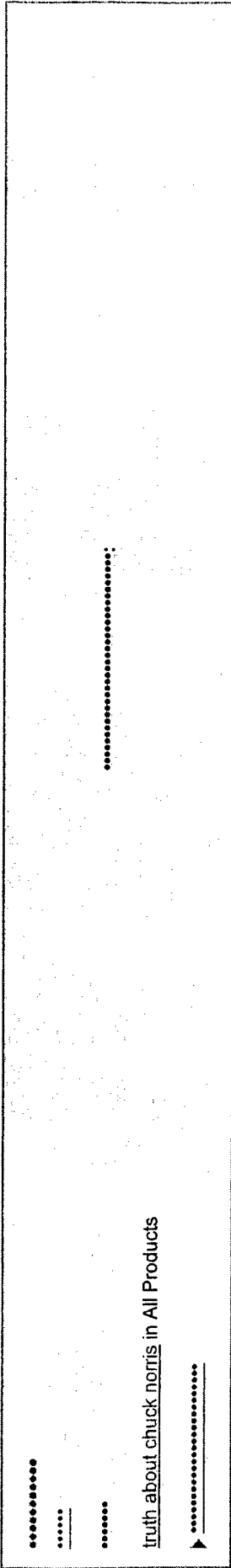
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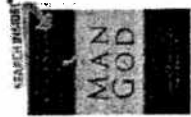
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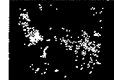
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Bibliographic Data: Trade Paperback, 176 Pages, Penguin Group (USA) Incorporated, November 2007

Author: Spector, Ian

List Price: \$12.00

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Status: Not Yet Published

BINC: 9003019

ISBN: 1592403441

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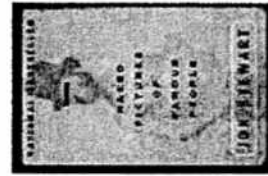
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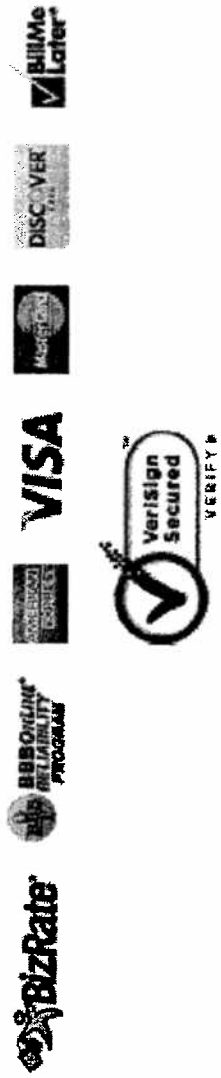
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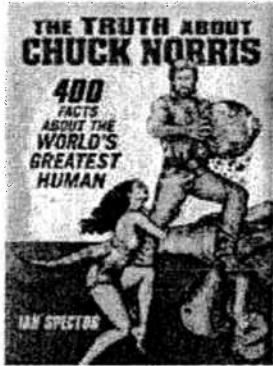
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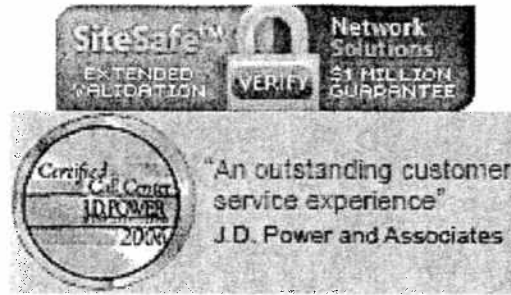


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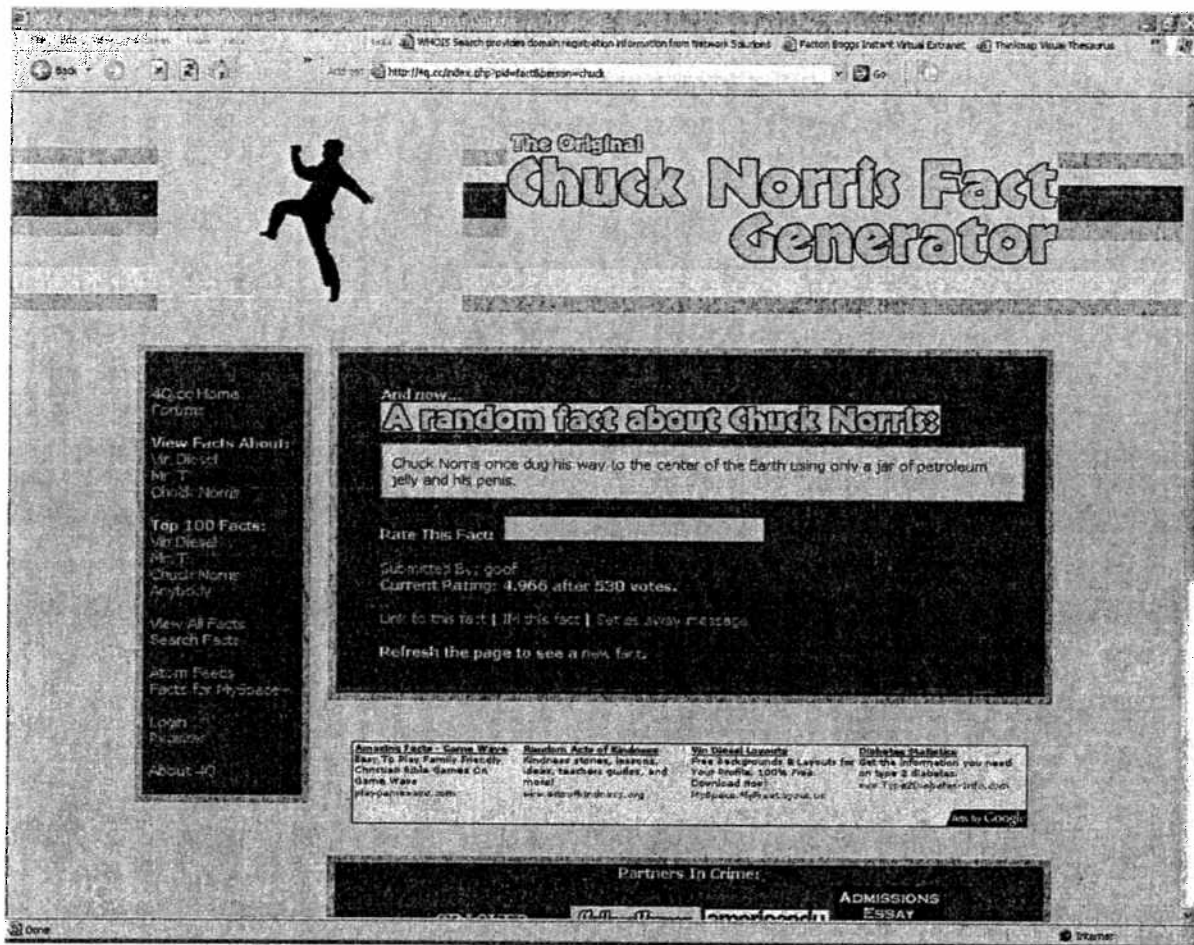
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WHOIS domain registration information results for truthaboutchucknorris.com from Network Solutions

- [E-Commerce Packages](#)
 - [E-Commerce Design Services](#)
 - [Merchant Accounts](#)
- [Online](#)
 - [Marketing](#)
 - [Search Engine Submission](#)
 - [Search Engine Optimization](#)
 - [Pay Per Click Management](#)
 - [Press Releases](#)
 - [Email Marketing](#)
 - [Link Building](#)
 - [NEW: SEO Training](#)
 - [SSL](#)
 - [Certificates](#)
 - [SSL Certificates](#)
 - [EV Certificates](#)
 - [Account](#)
 - [Manager](#)
 - [Log in](#)
 - [Renew Services](#)
 - [AM Home](#)

EXHIBIT 4

SAMPLE PAGES FROM MR. SPECTOR'S 4q.cc WEBSITE



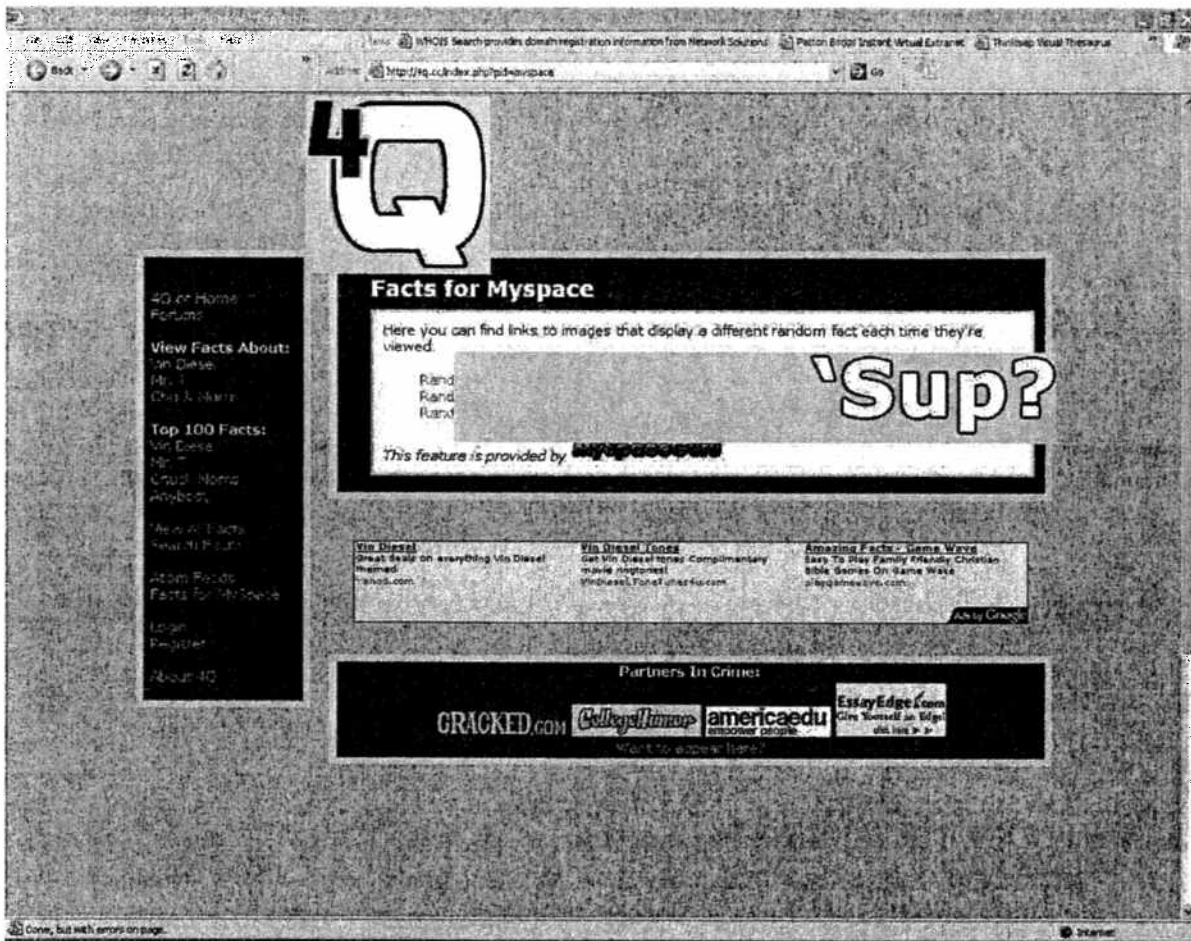




EXHIBIT 3



Penguin Group (USA)

375 Hudson Street, New York, NY 10014-3658
Telephone (212) 366 2959 Fax (212) 366 2867 alex.gigante@us.penguingroup.com

Alexander Gigante
SENIOR VICE PRESIDENT
LEGAL AFFAIRS / CORPORATE COUNSEL

October 26, 2007

VIA FEDEX

Deborah M. Lodge, Esq.
Patton Boggs LLP
2550 M Street, NW
Washington, D.C. 20037-1350

Re: *The Truth About Chuck Norris* by Ian Spector

Dear Ms. Lodge:

I am replying to your October 24, 2007 letter, which asserts that the above-referenced work (the "Work"), published by the Gotham Books division of Penguin Group (USA) Inc. ("PGI"), violates Chuck Norris's rights of publicity and privacy, various Lanham Act rights and other rights under common law. All these claims are absurd.

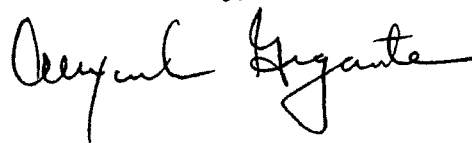
The Work's cover art and copy, and interior art and text, leave no doubt that it is a puerilely humorous spoof and parody of Chuck Norris as a social and cultural phenomenon. The First Amendment unqualifiedly protects this kind of transformative use of Mr. Norris's celebrity from legal claims of whatever character, whether advanced under the rubric of rights of publicity and privacy, the Lanham Act or otherwise. *See, e.g., ETW Corp. v. Jireh Publishing, Inc.*, 332 F.3d 915 (6th Cir. 2003) (unauthorized print featuring Tiger Woods did not violate his right of publicity or Lanham Act rights); *Hoffman v. Capital Cities/ABC, Inc.*, 255 F.3d 1180 (9th Cir. 2001) (humorous mock-up of movie still did not violate Dustin Hoffman's right of publicity); *Cardtoons, L.C. v. Major League Baseball Players Ass'n*, 95 F.3d 959 (10th Cir. 1996) (parody baseball cards did not violate players' rights of publicity or licensing rights of the Player's

Deborah M. Lodge, Esq.
October 26, 2007
Page - 2 -

Association under the Lanham Act) ("Parodies of celebrities are an especially valuable means of expression because of the role celebrities play in modern society"); *Winter v. D.C. Comics*, 30 Cal.4th 881, 69 P.3d 473 (2003) (parody comic book using images of the Winter brothers did not violate their rights of publicity).

PGI therefore rejects Mr. Norris's claims and refuses to accede to the demands in your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory M. Gigante". The signature is fluid and cursive, with the first name "Gregory" and last name "Gigante" clearly distinguishable.

AG/slf

cc: Mr. Ian Spector

EXHIBIT 4



2550 M Street, NW
Washington, DC 20037-1350
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

November 16, 2007

Deborah M. Lodge
202-457-6030
dlodge@pattonboggs.com

**VIA EMAIL: alex.gigante@us.penguingroup.com
AND FIRST CLASS MAIL**

Mr. Alexander Gigante
Senior Vice President
Legal Affairs / Corporate Counsel
Penguin Group
375 Hudson Street,
New York, NY 10014-3658

Re: Chuck Norris Infringement – "The Truth About Chuck Norris"

Dear Mr. Gigante:

This letter responds to your October 26, 2007 letter, in which you informed us that Penguin Group (USA) Inc. ("PGI") would not change its decision to publish the above-referenced work. Rather, you flatly rejected Chuck Norris' complaint about the grossly misleading title and the book's direct and unequivocal infringement of his intellectual property rights, including his right to control the use of his name and image in commercial endeavors. Your letter asserts that the First Amendment "unqualifiedly protects" PGI "from legal claims of whatever character." We have carefully considered your parody defense and find it without merit.

PGI simply cannot misappropriate Chuck Norris' image and name, and evade the obligation to obtain Mr. Norris' consent merely by characterizing this book as a "parody". See *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569 (1994) ("suggestion that any parodic use is presumptively fair has no more justification in law or fact than the equally hopeful claim that any use for news reporting should be presumed fair."); *Grant v. Esquire, Inc.*, 367 F. Supp. 876, 883 (S.D.N.Y. 1973) (finding infringement of publicity rights, noting that "if the publisher feels impelled to trade upon the name and reputation of a celebrity, it must pay the going rate for such benefit").

The cases you rely on for PGI's parody defense are easily distinguishable from your publication of a book entitled "The Truth About Chuck Norris" that posits "facts" with no truthful or factual basis. For example, unlike the painting in *ETW Corp.* that depicted an actual historical event involving Tiger Woods, this book is pure fiction. Unlike the works at issue in *Cardtoons* and *Winter*, this book prominently features the famous "Chuck Norris" name without "transforming" it into something "other than his likeness." *Hoffman*, another case you cite, does not address parody at all. In any event, parody also does not excuse



Mr. Alexander Gigante
November 16, 2007
Page 2

trademark infringement that is likely to cause considerable confusion among Chuck Norris fans, or the "cybersquatting" occasioned by the registration of the domain name featuring Mr. Norris' name (truthaboutchucknorris.com), or the blatant violation of his privacy and publicity rights. The First Amendment does not give PGI free rein to exploit Mr. Norris' name and likeness for its own profit, to the harm and diminishment of Mr. Norris' rights to control the commercial use of his name and image.

Mr. Norris also is concerned that the book may conflict with his personal values and thereby tarnish his image and cause him significant personal embarrassment due to the unauthorized association. Mr. Norris is known as an upright citizen to whom God, country and values are of paramount importance-- certainly a rarity among celebrities these days. Our concern stems from a recent interview in the Brown Daily Herald, in which Ian Spector suggests that the book's content includes "really vulgar" or "hard-core" items: (copy attached):

"I knew I didn't want to include too many vulgar things involving genitalia or infants," Spector said. "Anything that is really vulgar or hard-core probably wasn't approved by me. But if that's what [PGI] think will sell, it's fine by me."

To permit us to ascertain whether the associations with Mr. Norris will indeed be "vulgar or hard-core," we ask that you send us an advance copy of the book for our review. It is possible that, depending on the material, Mr. Norris would be willing to discuss a possible resolution of this matter. Otherwise, our client will be forced to conclude that PGI's insistence in continuing to publish the book evidences its deliberate and calculated intent to infringe on and misappropriate Mr. Norris' well-established goodwill.

Please reply by November 21, 2007, hopefully with your written confirmation that PGI has altered its position and will halt the publication of this ill-advised exploitation of Mr. Norris' image and rights. As I never received any reply from Mr. Spector in response to my October 24, 2007 letter, we must conclude that he will continue to recklessly disregard and willfully violate Mr. Norris' rights.

Sincerely,

A handwritten signature in dark ink, appearing to read "Deborah M. Lodge", with a long, sweeping horizontal line extending to the right.

Deborah M. Lodge

Attachments

cc: Michael S. Forshey, Esq.
Mr. Ian Spector

[< Back](#) | [Home](#)



"Chuck Norris Fact Generator" creator Ian Spector '09 is releasing a book of the "facts."

Chuck Norris to roundhouse kick bookstores this month

By: Nick Werle

Posted: 11/7/07

Ian Spector '09 is not a fan of Chuck Norris, the fetishized action star who has been the subject of thousands of jokes over the last few years.

"I haven't to date seen any movie with him except for Dodgeball," Spector said. "But that doesn't really count."

For most people, it might not be notable to have never seen an episode of "Walker, Texas Ranger," but Spector is the creator of the famous Web site "Chuck Norris Random Fact Generator," and is releasing a book, "The Truth About Chuck Norris: 400 Facts About the World's Greatest Human," Nov. 29 that includes the best "facts" from his database.

Though several imitations have sprung up on the Web, peddling jokes about Chuck Norris' virility and fighting skills, Spector's is widely acknowledged as the first. Indeed, he has been featured in numerous newspapers and on television shows including "Nightline" and a VH1 special on Internet superstars.

"I don't want to be branded as an Internet superstar, but I was number (29)out of 40," he said. At the site's peak, during the winter of 2005-2006, it was pulling in 18 million hits per month, he said.

Publishers first approached Spector during the spring of 2006, when the site was very popular. Though he turned them down then, he was later persuaded to write a book of the site's best "facts" when the William Morris Agency approached him that summer. Eventually, he began working with Gotham Books, a division of the Penguin Group, and is no longer represented by the William Morris Agency.

Spector said he actually wrote the manuscript in one night. He started writing around 10 p.m. one November night and finished at about 8 a.m. the next morning. Originally, he was told to pick 250 of the best facts from the Web site, but the project soon ballooned to include 400 of the site's jokes.

"I knew I didn't want to include too many vulgar things involving genitalia or infants," Spector said. "Anything that is really vulgar or hard-core probably wasn't approved by me. But if that's what they think will sell, it's fine by me."

Though Spector does not have the same fascination with Norris that may be shared by many of his site's visitors, he did get to meet the man himself in January 2006 at the invitation of the action star's wife. Norris is not affiliated with the Web site or the book.

Because most of the book's content came directly from his Web site, Spector said he is unsure whether he should be considered a bona fide author. "People say now that I'm considered an author because I wrote a 20-page intro that got cut down to eight pages and copied and pasted a bunch of stuff off of my Web site," he said. "That makes me an author? That's not what I think of when I think of an author."

In addition to the jokes, Spector's book features illustrations by Angelo Vildasol, who had previously worked on a book by the Internet-humor fixture Maddox. Spector recounted how the elusive Vildasol, who lives in Colorado, would e-mail him with updates on the project at 6 a.m. some days. The two have never met in person.

The site relies on visitor-submitted jokes to populate the "fact generator." During its peak, Spector said the site received thousands of submissions a day. Though he couldn't say how many of the jokes he wrote himself, he stressed that he - along with a few friends who helped him run the site when it was at its greatest popularity - had to rewrite most of the submissions to make sure they were actually funny. This attention was likely responsible for the site's popularity, he said.

"As it was progressing, there was a lot of quality control. Our acceptance rate was about 5 percent," he said.

J.P. Reader, a bookseller at the Brown Bookstore, also cited the surprisingly high quality of the humor as the reason for the site's fame. "I was surprised because I don't usually find pop culture references funny," he said. "I haven't looked at it in about four months but it was definitely a work-stopper. ... There are some Chuck Norris things that were actually subtle even though they are absurd claims."

So if none of the "facts" are actually true, then why a "fact generator" about Chuck Norris?

"Weird obsession pretty much nails it," Spector said. "There's something about the obscurity of him that people find funny."

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EXHIBIT 5

From: Gigante, Alex [Alex.Gigante@us.penguingroup.com]
Sent: Friday, November 16, 2007 3:59 PM
To: Lodge, Deborah
Cc: Forshey, Michael; ian@4q.cc
Subject: RE: Chuck Norris Infringement - "The Truth About Chuck Norris"

No need to wait until November 21. Our position is as stated in my October 26, 2007. Nothing in your response requires Penguin to change its position. The law is clear, and any legal action by Mr. Norris would be frivolous.

-----Original Message-----

From: Lodge, Deborah [mailto:DLodge@pattonboggs.com]
Sent: Friday, November 16, 2007 3:55 PM
To: Gigante, Alex
Cc: Forshey, Michael; ian@4q.cc
Subject: Chuck Norris Infringement - "The Truth About Chuck Norris"

> Dear Mr. Gigante:
>
> Annexed please find our response to your October 26, 2007 letter.
> Please contact me if you have any questions.
>
> Regards,
>
> Deborah M. Lodge
>
Deborah M. Lodge
Patton Boggs LLP
2550 M Street, N.W.
Washington, DC 20037
(202) 457-6030 (Phone)
(202) 457-6315 (Fax)
dlodge@pattonboggs.com

> <<gigante ltr.pdf>>

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EXHIBIT 6

CAHILL GORDON & REINDELL LLP
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ROGER ANDRUS
HELENE R. BANKE
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SUSAN BUCKLEY
KEVIN J. BURKE
JAMES J. CLARK
BENJAMIN J. COHEN
CHRISTOPHER T. COX
W. LESLIE DUFFY
ADAM M. DWORKIN
RICHARD E. FARLEY
PATRICIA FARREN
JOAN MURTAGH FRANKEL
JONATHAN J. FRANKEL
BART FRIEDMAN
CIRD A. GAMBONI
WILLIAM B. GANNETT

CHARLES A. GILMAN
STEPHEN A. GREENE
ROBERT M. HALLMAN
WILLIAM M. MARTNETT
CRAIG M. HOROWITZ
DOUGLAS S. HOROWITZ
DAVID G. JANUSZEWSKI
ELAI KATZ
THOMAS J. KAVALER
DAVID N. KELLEY
EDWARD P. KRUGMAN
JOEL KURTZBERG
ALIZA R. LEVINE
GEOFFREY E. LIEBMANN
MICHAEL MACRIS
ANN S. MAKICH
JONATHAN I. MARK
GERARD M. MISTRELL
MICHAEL E. MICETTI
WILLIAM J. MILLER
ATHY A. MOBILIA
NOAH B. NEWITZ

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AUGUSTINE HOUSE
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WRITER'S DIRECT NUMBER

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JAMES ROBINSON
THORN ROSENTHAL
JONATHAN A. SCHAFFZIN
JOHN SCHUSTER
MICHAEL A. SHERMAN
BARREN SILVER
HOWARD G. SLOANE
LAURENCE T. SORKIN
LEONARD A. SPIVAK
SUSANNA M. SUH
GERALD S. TANENBAUM
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SENIOR COUNSEL
LAWRENCE A. KOBRIN
IMMANUEL KOHN
DONALD J. MULVHILL

COUNSEL
JAY GEIGER
RAND McQUINN*

*ADMITTED IN
DC, TX, VA ONLY

January 29, 2008

Re: **Norris v. Penguin, et al.,**
07-CV-11480

Dear Deborah and Anthony:

I write to confirm the parameters of our agreement with respect to initial discovery and the preliminary injunction schedule in the above-referenced matter.

With respect to discovery, the parties have agreed to forego discovery prior to the hearing on plaintiff's motion for a preliminary injunction (the "Motion") on the terms set forth below.

(1) plaintiff and defendants will each provide limited representations that will be admissible at the hearing on the motion, but shall not be treated as stipulations of fact so as to bind the adverse party.

(a) Plaintiff will provide defendants with representations as to the following by 9:00 a.m. on January 30, 2007:

- (i) The date that Norris (defined throughout this agreement to include Norris, his wife, his lawyers and any agent or representative,) first became aware that defendants planned to publish a book incorporating "facts" (as that term is defined in Paragraph 24 of The Complaint) about Chuck Norris (the "Book").
- (ii) The date that Norris first became aware of the cover art for the Book.

CARILL GORDON & REINDEL LLP

-2-

- (iii) The date that Norris first became aware of the domain names "truth-aboutchucknorris.com", "thetruthaboutchuck.com." or "truth-aboutchuck.com." (If these are different dates, plaintiff will specify.)
 - (iv) The date that Norris first became aware that the domain names "truth-aboutchucknorris.com", "thetruthaboutchuck.com" or "truth-aboutchuck.com" were registered. (If these are different dates, plaintiff will specify.)
 - (v) The date that Norris first learned that any sort of "facts" about Chuck Norris appeared on 4q.cc.
 - (vi) The date that Norris first viewed the 4q.cc website.
 - (vii) No objection to the inclusion or use of any Chuck Norris "facts" in book form was made by Norris prior to Deborah Lodge's October 24, 2007 letter. No defendant asked Norris whether he would object to the inclusion or use of any Chuck Norris "facts" in book form.
- (b) Defendants will provide plaintiff with representations as to the following at the time of serving defendants' opposition papers:
- (i) The date of the meeting between Chuck Norris, Ian Spector and others at the Mohegan Sun casino in Connecticut.
 - (ii) The date Penguin first made public its intention to publish a book entitled "The Truth About Chuck Norris" (hereinafter, the "Book") as part of the popular Internet theme.
 - (iii) The date of the publishing agreement between Ian Spector and Penguin.
 - (iv) The date the title of the Book was first used on the 4q.cc website.
 - (v) The date Penguin first made public cover art for the Book.
 - (vi) The date cover art for the Book was first depicted on the 4q.cc website.
 - (vii) The date that the domain names "thetruthaboutchuck.com", "truth-aboutchucknorris.com" and "truthaboutchuck.com" first went "live" and/or were linked to the 4q.cc website. (If these are different dates, defendants will specify.)
 - (viii) The date of the first printing of the Book for public dissemination and the number of copies printed.

CAHILL GORDON & REINDEL LLP

-3-

- (ix) The date the Book was first shipped to retailers or distributors.
- (x) The date a video entitled "The Ballad of Chuck Norris" (referenced in Ex. 14 to the Kessler Declaration) was posted on YouTube in connection with the Book.
- (xi) The date of the second printing of "The Truth About Chuck Norris" and number of copies printed at that time. If there are subsequent printings, defendants will give the dates and numbers regarding those as well, the information to be current as of February 4, 2007.

(2) neither party will call any live witnesses at the hearing on the Motion, relying on the affidavits, memorandum of law and arguments of counsel only. Should the Court, on its own motion, direct live testimony, the parties will jointly request an adjournment to permit discovery (including depositions) of any such witness;

(3) plaintiff will be entitled to file reply papers responding to defendants' answering papers. If, in defendants' view, plaintiff's reply submissions add new facts, *i.e.* facts not properly included by way of reply on a motion, defendants may seek leave to conduct discovery as to the new facts and/or seek leave to submit a sur-reply brief (to which brief plaintiff shall not object). The parties will consult to determine if some mechanism short of discovery will suffice. If they cannot reach agreement, defendants may apply to the Court on short notice for discovery and adjournment of the preliminary injunction hearing. Plaintiff will not object to adjournment if the Court concludes that discovery is appropriate. We understand that Plaintiff reserves the right to take the position that no discovery is required prior to the hearing on the Motion; and

(4) neither party will submit any expert report, testimony or evidence, including, without limitation, any survey reports (or any testimony or evidence relating thereto) in support of or in opposition to the Motion.

In addition, you agree that, in the event the Motion is denied, plaintiff will have 30 days in which to determine whether to proceed to the merits of his case. If plaintiff decides to proceed, the parties will be permitted to engage in full discovery (including depositions of plaintiff and others). Discovery requests supplied to plaintiff by letter dated January 15, 2008 will be deemed operative should plaintiff elect to continue the litigation and such discovery will be responded to by document production and answers to interrogatories (as well as by any objections) on the 30th day after the denial of the preliminary injunction.

Finally, you have agreed that, in light of the discussions between the parties that have led to this agreement, the schedule on the Motion should be adjusted. Accordingly, defendants' opposition to the Motion will now be served on February 4, 2008, and plaintiff's reply papers will be served on February 12, 2008. (Service shall be by hand or by e-mail, or any other method ensuring that papers are received by the close of business on the service date.) The hearing date will be adjourned to February 20, 2008. Defendants agree to answer the complaint on or before February 8,

CAHILL GORDON & REINDEL LLP

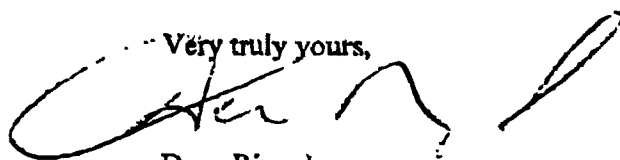
-4-

2008. (A stipulation incorporating these dates has been signed and presented to the Court.) Should defendants decide that they will be moving to dismiss in lieu of answering on February 8, we will notify you prior to filing such motion.

This letter may be cited to or otherwise made available to the Court by any of the parties.

Please confirm your acceptance of this agreement by countersigning this letter as indicated below, and return an executed copy of this letter agreement to me.

Very truly yours,

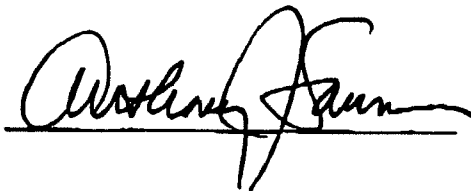


Dean Ringel

Deborah Lodge, Esq.
Patton Boggs LLP
2550 M Street, NW
Washington, DC 20037

Anthony Laura, Esq.
Patton Boggs LLP
The Legal Center
One Riverfront Plaza
Newark, New Jersey 07102

Agreed and accepted:



Via E-Mail

EXHIBIT 7



2550 M Street, NW
Washington, DC 20037-1350
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

January 30, 2008

Deborah M. Lodge
202-457-6030
DLodge@pattonboggs.com

VIA EMAIL: DRingel@Cahill.com

Dean Ringel, Esq.
Cahill Gordon & Reindel LLP
80 Pine Street
New York, NY 10005

Re: Norris v. Penguin, et al.
07-CV-11480

Dear Dean:

Pursuant to our agreement regarding preliminary fact representations, and subject to the conditions in your letter of January 29, 2008, we provide the following information:

- (i) The date that Norris (defined throughout this agreement to include Norris, his wife, his lawyers and any agent or representative) first became aware that defendants planned to publish a book incorporating "facts" (as that term is defined in Paragraph 24 of The Complaint) about Chuck Norris (the "Book"). May 18, 2007.
- (ii) The date that Norris first became aware of the cover art for the Book. Aug. 7, 2007.
- (iii) The date that Norris first became aware of the domain names "truthaboutchucknorris.com", "thetruthaboutchuck.com." or "truthaboutchuck.com." (If these are different dates, plaintiff will specify.) January 13, 2008 for "truthaboutchuck.com;" August 9, 2007 for "truthaboutchucknorris.com;" approximately December 14, 2007 for "thetruthaboutchuck.com."
- (iv) The date that Norris first became aware that the domain names "truthaboutchucknorris.com", "thetruthaboutchuck.com" or "truthaboutchuck.com" were registered. (If these are different dates, plaintiff will specify.) January 14, 2008 for "truthaboutchuck.com;" August 9, 2007 for



Dean Ringel, Esq.
January 30, 2008
Page 2

"truthaboutchucknorris.com; approximately December 14, 2007
for "thetruthaboutchuck.com."

- (v) The date that Norris first learned that any sort of "facts" about Chuck Norris appeared on 4q.cc. Around November 8, 2005.
- (vi) The date that Norris first viewed the 4q.cc website. Around November 8, 2005.
- (vii) No objection to the inclusion or use of any Chuck Norris "facts" in book form was made by Norris prior to Deborah Lodge's October 24, 2007 letter. No defendant asked Norris whether he would object to the inclusion or use of any Chuck Norris "facts" in book form.
- (viii) The date that Norris first saw the cover for the Book on the 4q.cc site, linked to via truthaboutchucknorris.com: October 22, 2007.

This information is based on our reasonable factual investigations to date. If we uncover any information indicating that the above is not correct, we will let you know promptly. We added one more fact (viii) as it seemed relevant here. The above is of course not an exhaustive list of all relevant facts and is not to be construed as such. We look forward to receiving the list of defendants' representations, as set forth in your January 29, 2008 letter.

Please let me know if you have any further questions or comments.

Sincerely,


Deborah M. Lodge

Enclosure

cc: Anthony Laura, Esq.
Gail Johnston, Esq.

EXHIBIT 8



Upcoming Events | Current Events | Past Events

Past Events

MISSION
BIOGRAPHY
KICKSTART
FILMOGRAPHY
SHOPPING
CHAT ROOM
AUCTION
KIDS CORNER
CURRENT EVENTS
FAREWELL LETTER
CHRISTIAN AREA
FITNESS
LINKS
EMAIL

FREE POSTER
WITH PURCHASE OF
THE TOTAL GYM



Biography of Chuck Norris October 7, 2005

Did you miss it??

The A&E "Biography" of

Chuck Norris

will air on A&E Network on

Friday, Oct 7th at 9 p.m.

Oliver North War Stories "The Siege of Firebase Ripcord" Sunday, March 7, 2004

Chuck and Aaron Norris appeared in the March 7, 2004 episode of War Stories with Oliver North "The Siege of Firebase Ripcord" on the Fox New Channel in a tribute to their brother Wieland Norris whom lost his life in Vietnam.

<http://www.foxnews.com/story/0,2933,112985.00.html>



Skydive Successful Sunday, June 13, 2004



Photo by Joshua Hobson

Bush's birthday bash

County," "T.N.T." and "Gods and Monsters."

Clarence Gilyard played Texas Ranger James "Jimmy" Trivette on the series and appeared in the television movie "Walker Texas Ranger 3: Deadly Reunion." He also starred in the series "Matlock" from 1989-1993 as Conrad McMaster. He appeared in the movies "Matlock: Nowhere to Turn," "Matlock: The Suspect," "Matlock: The Picture," "Matlock: The Witness Killings," "Matlock: The Fortune" and "Matlock: The Vacation." His feature film credits include "Die Hard," "The Karate Kid, Part II," "Off the Mark," "The Duck Factory" and "The Kid with the 200 I.Q."

Janine Turner starred in the Network series "Northern Exposure" from 1990-1995. Her other television credits include the series "Strong Medicine," the daytime series "Another World" and "General Hospital," and the television movies "Beauty," on the Network, "A Secret Affair," "Fatal Error" and "Circle of Deceit." Her feature film credits include "Trip in a Summer Dress," "No Regrets," "Birdie and Bogey," "Dr. T and the Women," "Leave It to Beaver" and "Steel Magnolias."

During its eight season run from 1993 to 2001, "Walker, Texas Ranger" was Saturday's top show, peaking in the 1995-96 season with an average audience of 19.4 million viewers.

CBS Television...3

WALKER, TEXAS RANGER: TRIAL BY FIRE was produced by Paramount Network Television. Chuck Norris, Aaron Norris and Leslie Greif ("Walker, Texas Ranger") are the executive producers. Aaron Norris also serves as the director from a script by John Lansing & Bruce Cervi ("Walker, Texas Ranger").

* * *

TODAY

IN RESPONSE TO THE "RANDOM FACTS" THAT ARE BEING GENERATED ON THE INTERNET

I'm aware of the made up declarations about me that have recently begun to appear on the Internet and in emails as "Chuck Norris facts." I've seen some of them. Some are funny. Some are pretty far out. Being more a student of the Wild West than the wild world of the Internet, I'm not quite sure what to make of it. It's quite surprising. I do know that boys will be boys, and I neither take offense nor take these things too seriously. Who knows, maybe these made up one-liners will prompt young people to seek out the real facts as found in my recent autobiographical book, "Against All Odds?" They may even be interested enough to check out my novels set in the Old West, "The Justice Riders," released this month. I'm very proud of these literary efforts.

- Chuck Norris



EXHIBIT 9

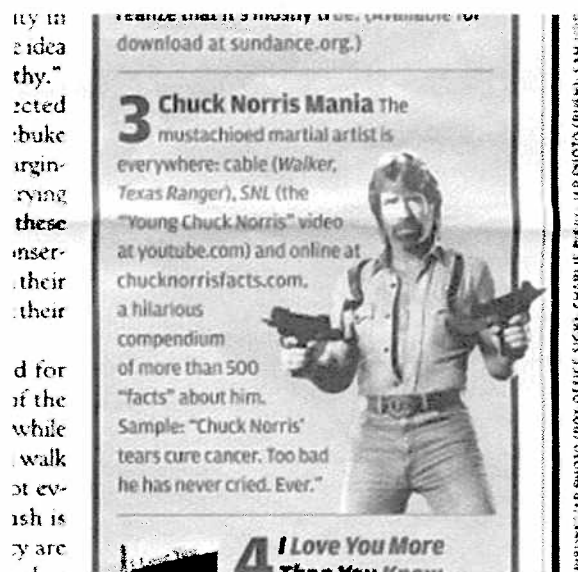
Chuck Norris Facts

From Wikipedia, the free encyclopedia

Chuck Norris Facts are satirical "facts" about martial artist and actor Chuck Norris that have become an Internet phenomenon and as a result have become widespread in popular culture. The "facts" are normally absurd hyperbolic claims about Norris' toughness, attitude, virility, "alpha-male status", sophistication and masculinity, for example:

Chuck Norris' tears cure cancer. Too bad Chuck Norris has never cried. Ever.

The "facts" typically claim that Chuck Norris is some type of irate, all-powerful, superbeing. Some of these "facts" have also turned into popular jokes. Like most Internet phenomena, the Chuck Norris facts have spread around the world, leading not only to translated versions, but also spawning localized versions mentioning country-specific advertisements, other Internet phenomena, etc. Allusions are also sometimes made to his use of roundhouse kick attacks to perform seemingly any task, his large amount of body hair with specific regard to his beard, and his role in the action television series *Walker, Texas Ranger*.



Chuck Norris Facts in Rolling Stone.

Contents

- 1 Background
- 2 Norris' response
- 3 Famous mentions
- 4 Spin-off jokes
- 5 References
- 6 External links

Background

Chuck Norris Facts were originally seen on the Internet in early 2005. Conan O'Brien's Chuck Norris jokes on *Late Night with Conan O'Brien* (which generally center on *Walker, Texas Ranger*) have been seen as an inspiration for the fad. Chuck Norris Facts followed "facts" based on actors Vin Diesel and Bob Saget, and spawned similar "facts" about fictional character Jack Bauer from the television series *24*, Mr. T and other personages. The exaggerated style of these facts is similar to a recurring *Saturday Night Live* sketch called *Bill*

Brasky. These are similar to "Tall tales" such as those of Paul Bunyan. Chuck Norris Facts surged the gaming community shortly after a Chuck Norris Fact generator was introduced as a World of Warcraft addon in early 2006^[1].

Norris' response

Chuck Norris responded to the Chuck Norris Facts on his official website, chucknorris.com, with a statement. He was generally surprised and flattered by the attention. Admitting some of the statements were indeed humorous, he tries not to take any of them seriously, and he hopes that such statements will interest people in real facts about Chuck Norris contained in his literary works.^[2] On October 23, 2006, Chuck Norris' first column for WorldNetDaily consisted of yet another response. It began similarly to the above quote from chucknorris.com, but then disclaimed Norris' own prowess in favor of God and Jesus Christ.

One of the satirical "facts" made of Norris states that "There is no theory of evolution. Just a list of creatures Chuck Norris has allowed to live." Upon hearing this, Chuck replied:

It's funny. It's cute. But here's what I really think about the theory of evolution: It's not real. It is not the way we got here. In fact, the life you see on this planet is really just a list of creatures God has allowed to live. We are not creations of random chance. We are not accidents. There is a God, a Creator, who made you and me. We were made in His image, which separates us from all other creatures. By the way, without Him, I don't have any power. But with Him, the Bible tells me, I really can do all things—and so can you."^[3]

Norris appeared in a 2007 commercial for Mountain Dew where he had his revenge on the two fictional webmasters of a popular site that featured Norris in a humorous light, undoubtedly a reference to the Chuck Norris Facts meme.^[4]

However, in December, 2007, Norris sued (<http://www.reuters.com/article/rbssTechMediaTelecomNews/idUSN2129580420071222>) when these statements were published in book form by Penguin in November, 2007.

Famous mentions

- Norris has appeared on *The Tony Danza Show* and *The Best Damn Sports Show Period*, and has been questioned regarding the satirical facts. In the latter show, he read up the current Top 10 facts, as well as mentioning his favorite one was "*They once tried to carve Chuck Norris' face into Mount Rushmore, but the granite wasn't hard enough for his beard*".
- *Rolling Stone* magazine featured a short blurb regarding the "facts". (See image above.)
- In the March 20, 2006 issue, *TIME* magazine interviewed Chuck Norris, calling him an "online cult hero." In the answer to their last question, he called the Chuck Norris Facts "weird but wildly popular sayings" and quoted one: "Chuck Norris *can* divide by zero."^[5]
- On an episode of *The Daily Show* in a parody of Alaskan senator Ted Stevens' comments about the Internet being a "Series of tubes", John Hodgman stated that beneath every American home there were indeed a series of tubes and they could be used to send various pieces of information, mainly Chuck Norris Facts.

- On "Boys Do Cry", a 2007 episode of *Family Guy*, Peter Griffin mentions a Chuck Norris Fact that, when challenged by Brian, turns out to be true when Chuck Norris suddenly appears and punches him with a fist concealed under his beard.
- One of GaiaOnline's February 2006 'monthly collectibles' is presumably named after Chuck Norris. The Item itself has a suggesting name (Chyaku Norisu) and its description resembles one of the Facts: "There are only two things in the world that can cut diamonds ... other diamonds and CHYAKU NORISU!!"
- "DON'T FUCK WITH CHUCK" is a popular Facebook application which generates Chuck Norris Facts for visitors to read.
- Famed Internet writer and author Maddox dedicated an entire chapter of his bestseller *The Alphabet of Manliness* to Chuck Norris facts.
- Governor Mike Huckabee, as a 2008 Republican Presidential Candidate, made a campaign video with Chuck Norris called HuckChuckFacts^[6]. In it, he tells Chuck Norris "facts", while Norris responds with endorsements of Huckabee. Rival Republican candidate Mitt Romney responded with a Chuck Norris Fact-themed advertisement of his own ^[7].

Spin-off jokes

Due to the popularity of Chuck Norris facts, and in order to keep this style of jokes fresh, other celebrities have become the target of these jokes. Bob Saget facts are in fact the opposite of the Chuck Norris facts, pointing out Saget's sensitivity. For example, "every night, the boogeyman checks under his bed for Chuck Norris; but then Bob Saget comes in, gives the boogeyman warm milk and quietly reads him a bedtime story."

This style has also been applied to other celebrities, such as Vin Diesel, Jack Bauer, Ron Paul,^[8] Mr. T, Bob Barker, Bruce Schneier,^[9] The Silver Surfer, Florida Gators quarterback Tim Tebow, Albus Dumbledore^[10] and Philadelphia Phillies pitcher Cole Hamels. On the DVD reissue of *Road House*, Kevin Smith's commentary track gives several Chuck Norris facts retitled to reference Patrick Swayze's character Dalton.

References

1. ^ Curse Gaming - The original addon can be found at <http://wow.curse.com/downloads/details/2242/>
2. ^ Chuck Norris. In response to the "Random facts" that are being generated on the Internet (<http://www.chucknorris.com/html/events.aspx?type=3>) . Retrieved on 2004-12-04.
3. ^ "On Chuck Norris 'mania' sweeping the Net (http://worldnetdaily.com/news/article.asp?ARTICLE_ID=52567) ", *WorldNetDaily*, October 23, 2006.
4. ^ Miller, Liz. Chuck Norris Gets His Vengeance (<http://www.thedailyreel.com/spotlight/commercials/archive/2007/04/05/chuck-norris-gets-his-vengeance?newsid=1175813863.62>) . The Daily Reel. Retrieved on 2007-04-09.
5. ^ Keegan, Rebecca Winters. "People (<http://www.time.com/time/magazine/article/0,9171,1172246-2,00.html>) ", Time, Mar. 20, 2006. Retrieved on 2006-06-20.
6. ^ HuckChuckFacts (<http://www.youtube.com/watch?v=EjYv2YW6azE>) . Retrieved on 2007-11-19.
7. ^ Roundhouse Kick (<http://www.youtube.com/watch?v=8oWuCQ7g8m8>) . Retrieved on 2008-1-3.
8. ^ [1] (<http://www.ronpaulfacts.com>)
9. ^ Schneier Facts (<http://geekz.co.uk/schneierfacts/>) . Retrieved on 11 July 2007.
10. ^ [2] (<http://en.wikipedia.org/wiki/Mugglecast#Segments>)

External links

- Chuck Norris Facts.com (<http://www.chucknorrisfacts.com/>)
- More Chuck Norris Facts (<http://www.dahl-lumholt.dk/Chuck-Norris.html>)
- Random Fact Generator (<http://www.4q.cc/chuck/>)
- Chuck Norris' official response (http://worldnetdaily.com/news/article.asp?ARTICLE_ID=52567)
- A Washington Post article on Chuck Norris Facts (<http://www.washingtonpost.com/wp-dyn/content/article/2006/01/02/AR2006010200282.html>)
- List of facts on Uncyclopedia
- Chuck Norris' Video Appearance Reading Top 10 Chuck Norris Jokes (Best Sports Period) (<http://www.youtube.com/watch?v=n8QAeoFdM5g>)
- Chuck Norris Facts Dashboard Widget (http://www.apple.com/downloads/dashboard/movie_tv/chucknorrisfacts.html)

Retrieved from "http://en.wikipedia.org/wiki/Chuck_Norris_Facts"

Categories: Semi-protected | Internet memes

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EXHIBIT 10

Exhibit 10 is a CD being filed separately in the Clerk's office

EXHIBIT 11

This is a WorldNetDaily printer-friendly version of the article which follows.
To view this item online, visit http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=58255

WorldNetDaily

Sunday, October 21, 2007

CHUCK NORRIS



My choice for president

Posted: October 21, 2007
8:20 p.m. Eastern

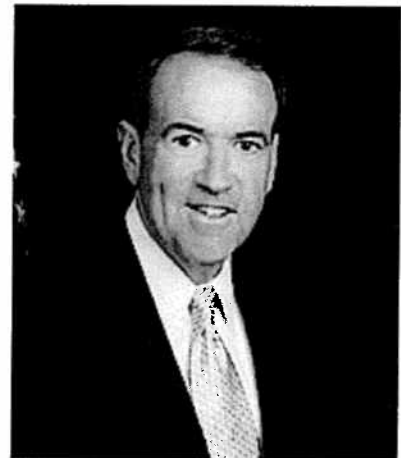
By Chuck Norris

© 2007

A short time ago, I wrote in jest about what I would do if I am elected president. Of course, that was written all in good fun.

Like most of you, over the summer and into the fall, I've been watching, listening, studying and praying about who could lead this country as our next president.

I won't leave you in suspense. Though Giuliani might be savvy enough to lead people, Fred Thompson wise enough to wade through the tides of politics, McCain tough enough to fight terrorism and Romney business-minded enough to grow our economy, I believe the only one who has all of the characteristics to lead America forward into the future is ex-Arkansas Gov. Mike Huckabee.



Former Gov. Mike Huckabee

Newt Gingrich called Mike "very effective ... if Huckabee can find money, he will be dramatically competitive almost overnight." Bill Clinton called Huckabee the "only dark horse that's got any kind of chance ... He's the best speaker they've got." There is even a pro-Huckabee swell rising among the younger generation.

Who he is (before what he can do)

More than anything he has done or can do, however, it is first who Mike is that impresses me most.

Part of our backward culture is reflected in the fact that we measure and value people by what they do, instead of first who they are. As a result, we nominate charisma, cast votes for articulation and repeatedly elect too many paper-thin corrupt politicians. Of course, I want a president who gets things done, but I first want one who has lived a life of integrity, commitment, truthfulness and respect. Mike is

that man.

Mike hasn't lived an isolated, out-of-touch life like so many politicians. He was raised in Hope, Ark., with a dad who was a firefighter and always had a second job. Mike and his sister grew up poor, not privileged. He was the first person in his family to graduate from high school. And he worked two jobs in college and graduated in two-and-a-half years. He is an outdoorsman too – an avid fisherman, hunter and a long-term member of the NRA.

Mike is a committed husband and father. He has always prioritized his family before politics. His wife, two sons and daughter speak his highest praise.

Mike has also faced unique adversity, from helping a young wife endure the trials of spinal cancer to aiding the victims of hurricane Katrina as the governor of Arkansas. He has a heart for helping and will fight for the causes of average citizens. He is known for having a compassionate heart, genuinely caring for all people.

Mike is also a respected and fearless leader, and he does not cower to the cries of any majority or minority. He doesn't abandon his values for what's expedient. Like our Founding Fathers, he's not afraid to stand up for a Creator and against secularist beliefs. At the same time, he doesn't fear offending Christian leaders who give up their values in pursuit of electing their "team leader" just like everyone else.

(Column continues below)

A track record toward the presidency

Mike Huckabee has already proven his ability to lead our citizens as a lieutenant governor for three years in 1993 and governor of Arkansas for the following 10 years. Time magazine called him one of the best governors in America.

As governor, Mike led the citizens of Arkansas through difficult conditions. He balanced the budget each year, enhanced technology in commerce, was tough on crime, used tobacco lawsuit monies to better health care, initiated a toll-free hotline to report tips on government corruption and 16 times had to endure the long nights of the soul before he gave permission for executions to proceed. He also initiated the ARKids First program, cutting the number of uninsured children in half.

It's not a coincidence that four out of the last five presidents we've had were governors because they proved their abilities, perseverance and heart for running our country by serving in those state capacities. As New Man men's magazine (July/August 2007) said, "His proven ability to cast a compelling vision, as he did while governor, that transcends party, ideology and class might enable America to unite and begin to heal, an especially important goal at this point in our history."

Where he stands, and what he will do

Mike Huckabee will fight for the issues that lead us safely, and with prosperity, into the future. Here are several of his positions in his own words (to read or watch Mike speak about the issues, click the title)

Reviving healthcare – "The health care system in this country is irrevocably broken. ... As president, I will work with the private sector, Congress, health care providers and other concerned parties to lead a complete overhaul of our health care system."

Implementing a FairTax – "I support the FairTax. As governor of Arkansas, I cut taxes and fees almost 100 times, saving the taxpayers almost \$380 million. I left a surplus of nearly \$850 million, which I urged should go back to the people. Our massive deficit is not due to Americans being under-taxed, but to the government's over-spending."

Creating more choices for education – "I believe that every child should have the opportunity for a quality education that teaches the fundamental skills needed to compete in a global economy. ... Test scores rose dramatically when I was governor of Arkansas because of my education reforms."

Stopping illegal immigration – "My number one priority is to secure America's border."

Winning the war on terror – "I believe that we are currently engaged in a world war. This war is not a conventional war, and these terrorists are not a conventional enemy. ... With a focus on renewed diplomacy and inclusion, we can accomplish the goals of our nation without having to go it alone."

Saving marriage – "I support, and have consistently supported, passage of a federal constitutional amendment that defines marriage as a union between one man and one woman. ... As governor of Arkansas, I led the successful effort to pass a similar state constitutional amendment in 2002."

Protecting the right to life – "I support, and have always supported, passage of a constitutional amendment to protect the right to life."

Achieving energy independence – "The first thing I will do as president is send Congress my comprehensive plan for energy independence. We will achieve energy independence by the end of my second term."

(I will address the whys of these and other positions in upcoming articles)

An ordained minister as president?

Does the fact that Mike Huckabee served as an ordained minister create a disadvantage to his election or presidency? Not if one knows Huckabee and history.

First, many may not realize there was an active clergy (Presbyterian minister John Witherspoon) among the signers of the Declaration of Independence – and that two others had been previously ministers. Others were sons of clergy. Virtually all were Protestant Christians.

Signers of the Constitution even included Abraham Baldwin, a minister. "Williamson, Madison, and possibly others, had studied in this field but had never been ordained." And again, most signers of the Constitution were also Protestant Christians, except two, Carroll and Fitzsimons, who were Roman Catholics.

Being honored to share this bi-vocational duty as minister and politician with some of those early patriots, Huckabee has advanced and fine tuned his people and oratory skills. And most of all, it has taught him to put others first. Isn't that what we want in a leader?

Mike is a compassionate Christian conservative. Though solid in his faith and standing for traditional family values, he's not an uncaring extremist. He lives what he believes, and respects others' beliefs even when they disagree with him, committed to a republic that was founded upon the free exercise of religion.

In all respects, Huckabee meets our Founders' recommendations for president.

The David among them

The one question that remains is: Can Huckabee win the nomination? The presidency?

As with the other candidates, Huckabee has, and will continue to have, his hecklers: "He hasn't raised enough money." "He'll never beat Hillary." "Our society is too prejudice and paranoid to vote for a once Baptist minister." "He'll never out-race the top four Republican candidates."

I was thinking about these types of comments the other day when I recalled another leader in ancient times that didn't match up in the line up: King David. Seven men were poised and paraded for the position of king, but David was left in the field shepherding because he wasn't "a frontrunner in the polls." They overlooked the best because they were too busy judging by outward appearance. But God appointed David king.

It's time to quit choosing our leaders based solely upon charisma or one strong suit, and move back to being a culture which esteems and elects its leaders because of character and qualifications. It's substance, not pizzazz, we should want in a leader. Mike Huckabee is the real deal.

Huckabee in '08!

Friends, it's time for people to get off the bench and onto the playing field. If we are going to see a man like Mike Huckabee elected, it's time to rally behind him, support him financially, pray for him daily and spread the word of his character, platform and experience.

So can a man who was raised in a poor background from Hope, Ark., become governor then president? As Mike says, "Our country has already proven that!" What I would ask is: Give Hope another chance! This time, they want to send in the real cavalry.

Keep Hope alive! Join my wife Gena and me by electing Mike Huckabee in '08!

If you'd like to sound off on this issue, please take part in the WorldNetDaily poll.

Related special offer:

"Silent No More" – help preserve freedom while there's still time

"Conservatives Betrayed: How George W. Bush and Other Big Government Republicans Hijacked the Conservative Cause"

Check out the Chuck Norris WND Forum



Watch Chuck Norris'
World Combat
League currently
showing on the
Versus Channel!

Chuck Norris is the star of more than 20 films and the long-running TV series "Walker, Texas Ranger." His book, "Against All Odds," tells the inspirational story of how he overcame abject poverty from childhood, the effects of his father's alcoholism and desertion of the family, and his own shyness and lack of strength and ability early in his life. Learn more about his life and ministry at his official website, ChuckNorris.com.

EXHIBIT 12

THE 2008 CAMPAIGN: Style and Strategy

CAROL BARBARA/REUTERS
Mike Huckabee having makeup applied on Friday before television interview at a hotel in Manchester, N.H.TODD HESLER/THE NEW YORK TIMES
Mr. Huckabee, on bass guitar, playing with Lisa Guyer of the New Hampshire band Mama Kicks on Friday at New England College in Henniker.TODD HESLER/THE NEW YORK TIMES
Emily Baber, 6, getting an autograph on Friday from Mr. Huckabee after a New Hampshire rally.

Huckabee Moves to New Hampshire, With Tweaks to His Message

By DAVID D. KIRKPATRICK

HENNIKER, N.H. — Fresh from his victory in the Iowa caucuses, Mike Huckabee has to be considered a serious contender for the Republican presidential nomination. But that has not so far been up to his distinctive Bible belt-meets-Borscht Belt act on the stump.

After arriving in New Hampshire by chartered jets late Thursday night, most of the presidential contenders rose early to lift the trail. Not Mr. Huckabee. He gave morning interviews to no fewer than seven television networks, continuing his strategy of capitalizing on his folksy charm and self-deprecating wit to compensate for the fact that his shortening campaign cannot afford much advertising.

And at his first face-to-face event with voters, at 4 p.m., he warmed up the crowd by playing bass guitar with a local rock band ("In the Midnight Hour," "Musing Sally") and introduced his

campaign sidekick, the actor Chuck Norris. "If you elect me, what about Chuck Norris for secretary of defense?" Mr. Huckabee said, pledging to build up a military so formidable it would be "Chuck Norris approved."

With almost no field organization and only about \$2 million in the bank as of last week, the Huckabee campaign has relied on such sideshows as an inexpensive way to drum up the kind of crowds that other campaigns rely on their staff to turn out. (Mr. Huckabee's rally was interrupted periodically by shouts of "Chuck! Chuck! Chuck!" from a group of teenage fans in the crowd.)

But as the "Huck and Chuck Show" comes here, it is also a reminder of the challenges Mr. Huckabee faces in taking his folksy Christian populism on the road for a crucial primary, including the need to appear as presidential as rivals like Mitt Romney or Senator John McCain. Mr. Huckabee, a former gover-

nor of Arkansas and Southern Baptist pastor, is already retouching his message. In Iowa, he emphasized his Christian conservative convictions on issues like abortion and same-sex marriage, though without ever using the words "abortion," "same-sex" or "gay." To court the state's many evangelicals, he ran television commercials flashing the words "Christian leader."

He has dropped that description from the commercials he has begun running in New Hampshire, using only the labels "authentic conservative" and "proven leader." In his first stump speech here, speaking after Mr. Norris to an enthusiastic crowd of about 500, he omitted any mention of abortion or same-sex marriage.

Instead, departing from his usual remarks, he heaped praise on the 10th Amendment to the Constitution as a monument to federalism and states' rights. And he added some new details to his usual pledge to improve

education, talking about the importance of paying teachers more in exchange for improved performance.

Mr. Huckabee's advisers say he will be happy with third place in New Hampshire, where Mr. Romney, a former governor of neighboring Massachusetts, and

Warning up the crowd while departing from usual remarks.

Mr. McCain, who won the primary here eight years ago, are neck and neck in the polls. In an interview, Ed Rollins, Mr. Huckabee's national campaign chairman, said Mr. Huckabee hoped for a strong-enough showing to demonstrate some momentum before moving on to the more socially conservative states of Florida and South Carolina.

Mr. McCain, who won the primary here eight years ago, are neck and neck in the polls. In an interview, Ed Rollins, Mr. Huckabee's national campaign chairman, said Mr. Huckabee hoped for a strong-enough showing to demonstrate some momentum before moving on to the more socially conservative states of Florida and South Carolina.

In the meantime, though, Mr. Rollins made clear that the campaign's main target was Mr. Romney, who has tried hard to appeal to the social conservatives who make up Mr. Huckabee's base of support. "We are going to see if we can't take Romney out," Mr. Rollins said.

He suggested that Mr. Huckabee would present a comparison of two governors — one who improved services and infrastructure over 10 years in Arkansas, the other who spent the last year of his one term in Massachusetts traveling to lay the groundwork for a presidential run.

Meanwhile, Mr. Huckabee is trying to turn his Iowa victory into much-needed cash, possibly slipping out of New Hampshire before its primary to try to raise money for races in Southern states just ahead. Mr. Rollins said that roughly \$2 million had come in the last few days and that the campaign could now afford to do its own polling.

Mr. Huckabee is also sharpening the populist economics that, while light on policy details, set him apart from the Republican field.

"People in my own party talk about how this economy is terrific, and for some folks it is," Mr. Huckabee said Friday in Henniker, saying his own humble roots gave him an understanding of the plight of those struggling with the high costs of health care and gasoline. "I probably come from the same kind of place you do. I understand struggle."

Speaking to reporters on the flight from Iowa, he mused about strategies that might help him translate his Christian conservative appeal to secular New Hampshire.

"A big tent revival out on the grounds of the Concord State Capitol?" he said, in his deadpan style. "We'll get them all converted to the evangelical faith, and then we'll win. How's that? That would work."

EXHIBIT 13

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The Boston Globe

January 17, 2008

Huckabee scene more than cameo for Chuck Norris

By Charlie Savage
Globe Staff

When Mike Huckabee took the stage after winning the Republican Iowa caucuses, the cameras zoomed in so far that they cut his wife, Janet, out of the frame. But tough-guy actor Chuck Norris, bearded and grinning in his plaid shirt, was still in the picture over Huckabee's left shoulder. So was Norris's wife, former model Gena O'Kelley.

Cameras do not zoom past Chuck Norris.

The 67-year-old retired martial arts champion and star of '80s action movies such as "Delta Force" and the '90s CBS television series "Walker, Texas Ranger" has reemerged in popular consciousness as one of the most visible figures in the 2008 presidential race. And Norris seems determined to roundhouse-kick America into supporting his fellow conservative Christian's candidacy.

To Norris, Huckabee is authentic. "Many of the candidates talk from the head on a prepared script, like I did as an actor," Norris said in an interview this week. "When I look at Huckabee, he's talking from the heart. That impresses me. He doesn't have a speech prepared."

While presidential candidates have long sought the glamour and fund-raising cachet of big-time celebrity supporters, the endorsers this year have become part of the branding of the candidates: Oprah Winfrey has given her aura of inclusiveness to Barack Obama, and John Mellencamp has lent his distinctive working-class patriotism to John Edwards.

And Norris, a retro icon of virility and heroic violence against Communists and terrorists, is giving a jolt of testosterone to a Republican who is widely perceived as likable and witty - but also weak on national security experience.

Norris was featured in Huckabee's first TV commercial and rode the campaign bus from stop to stop in Iowa and New Hampshire. Today, he will make a series of appearances with the candidate in South Carolina. This weekend, he is hosting a fund-raising webcast from his Texas ranch to help Huckabee buy TV ads to compete in next month's Super Tuesday.

Like many celebrities, Norris takes politics seriously and loves being part of the scene. But there is something even more hands-on about Norris's commitment to Huckabee. While Winfrey, Mellencamp, and other endorsers have spent short periods on the campaign trail, then returned to their day jobs, Norris has become something of an unofficial running mate for Huckabee, ever-present and indispensable.

"They seem to be taking this in some ways to the next level," said Bruce Buchanan, a political science professor at the University of Texas at Austin, adding that the Huckabee-Norris relationship is "like choosing a vice presidential candidate - kind of making up for your weakness."

As an actor, Norris plays stoic characters who let their guns and fists do the communicating. On the campaign trail, Norris comes off as talkative, even wonky, earnestly praising Huckabee's positions. He is especially taken with Huckabee's proposal to replace the income tax with a sales tax.

Huckabee, meanwhile, is the entertainer in their joint appearances, playing bass guitar with local bands, making his policy points through folksy stories, and keeping up a steady stream of self-deprecating humor. He jokingly promised a group of rowdy teens at one event in Henniker, N.H., that he would make Norris the secretary of defense, unleashing wild cheers, and he often says he knows most of the crowd really came to see Norris.

It is only half a joke: Norris says his humorous TV commercial with Huckabee, filmed back in the fall when Huckabee was still near the bottom of the polls, was downloaded more than 1.5 million times in 24 hours on YouTube. The attention may have helped fuel Huckabee's abrupt surge.

"My contribution, when we did that promo thing, it kind of lit a spark for Mike," Norris says. "But the thing is, that spark would have gone out if he hadn't had a message that people wanted to hear. But he had that message, and so the spark became a raging fire."

Norris, who also writes an online column in which he frequently expresses conservative Christian views, had never met the former Arkansas governor before writing a column in October endorsing Huckabee as a candidate who would "stand up for a Creator and against secularist beliefs."

After the column came out, the Huckabee campaign asked him to film the commercial. Norris later joined the candidate in Iowa and New Hampshire, when Huckabee was being barraged by attack ads from the better-funded Mitt Romney. As a surrogate, Norris has proved more than willing to play enforcer against Huckabee's rivals, especially the former

Massachusetts governor.

"I don't like him," Norris said. "I just don't feel that Romney is speaking the truth. He speaks whatever he thinks people want to hear. . . . I have to commend Huckabee for not retaliating in a negative way. He could say, 'Look at Romney - he flip-flopped on abortion, he flip-flopped on gay marriage - what does he really stand for?' "

Norris has also called for public financing of campaigns because it is "really unfair" that Romney can dump millions into his campaign. He also thinks it is unfair that the press routinely mentions that Huckabee was a Baptist minister before becoming governor when they don't as often note that Romney was a "bishop in the Mormon church."

The Romney campaign did not respond to a request for comment on Norris's remarks.

This is not the first time Norris has lent his beard to a candidate who needed to macho up his image. In the 1988 presidential campaign, George H. W. Bush's campaign strategist, Lee Atwater, recruited Norris to travel with the vice president to help change his image. As Norris puts it, "The press was calling him a wimp."

Huckabee's image is also a little soft for a party that loves action heroes. He is known to many people as a formerly obese man who lost more than 100 pounds and now eats fruit and avoids sugary drinks. He is laid-back and never served in the military. And, more substantively, Huckabee's detractors note that he has little foreign policy experience.

But Norris - again getting tough on Huckabee's behalf - said most of the other candidates, despite giving "lip service" to taking a strong stand in the war on terrorism, don't have any real experience in foreign policy, either.

He notes, for instance, that "Rudy Giuliani was just mayor of New York, for crying out loud." The exception, he said, is John McCain, but he said the Arizona senator is too old and should be Huckabee's vice president so he can share his foreign policy experience. "No candidate can have all the right experience," Norris said. "What you do is you bring in the people who can help guide you in the right direction and make the right decisions."

Norris has let it be known he will do whatever is necessary to defend Huckabee. At one campaign stop in New Hampshire, a man began shouting at the former governor about why he was being advised by Richard Haass, the president of the Council on Foreign Relations, an organization that is a favorite target of conspiracy theorists.

At first Huckabee ignored the man, but as he continued to disrupt the event, Huckabee won the crowd back and regained control by joking: "Don't make me send Chuck back there."



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EXHIBIT 14

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Actor Norris: McCain Is Too Old

Staff Reporter of the Sun

A prominent supporter of Michael Huckabee in the race for the Republican presidential nomination, Chuck Norris, 67, said he decided not to back one of Mr. Huckabee's rivals, Senator McCain of Arizona, because he is too old to be president.

"I'm thinking, now, John takes over the presidency at 72, then, if he ages three to one, how old will he be in four years, he'll be 84-years-old. And can he handle that kind of pressure in that job? And so, that's why I didn't pick John to support because I'm just afraid that the vice president will wind up taking over his job," the actor and martial arts aficionado said in comments recorded by CNN yesterday as he kicked off a Huckabee fund-raiser at his Texas ranch.

The former Arkansas governor, 51, tried to brush aside questions about whether he agreed with the actor's analysis that Mr. McCain is not up to the job.

"Only John McCain and his hair-dresser know for sure," Mr. Huckabee quipped, according to CNN.



BACKING THE YOUTH CANDIDATE? A former Arkansas governor, Michael Huckabee, right, Lone Wolf Ranch in Texas yesterday.